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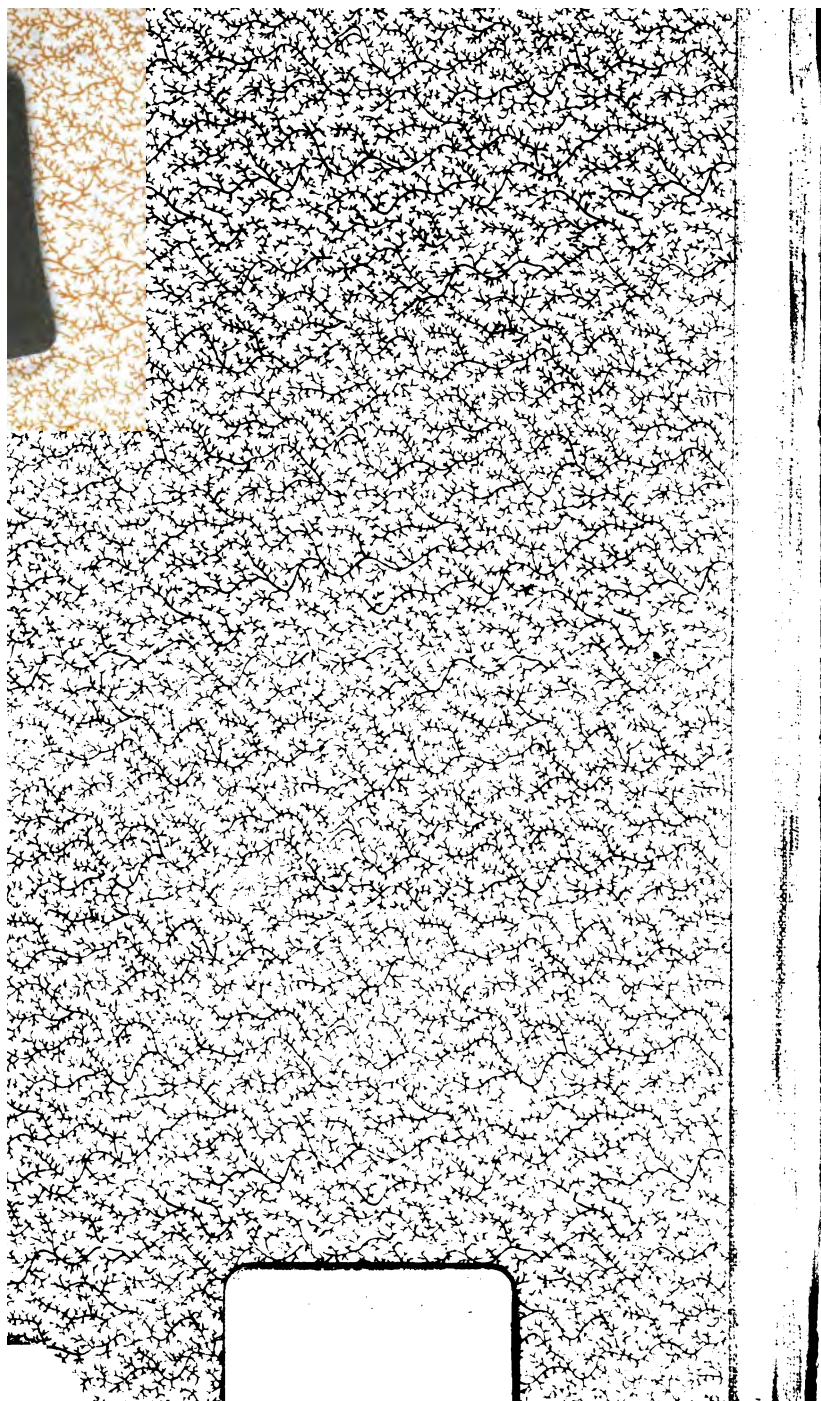
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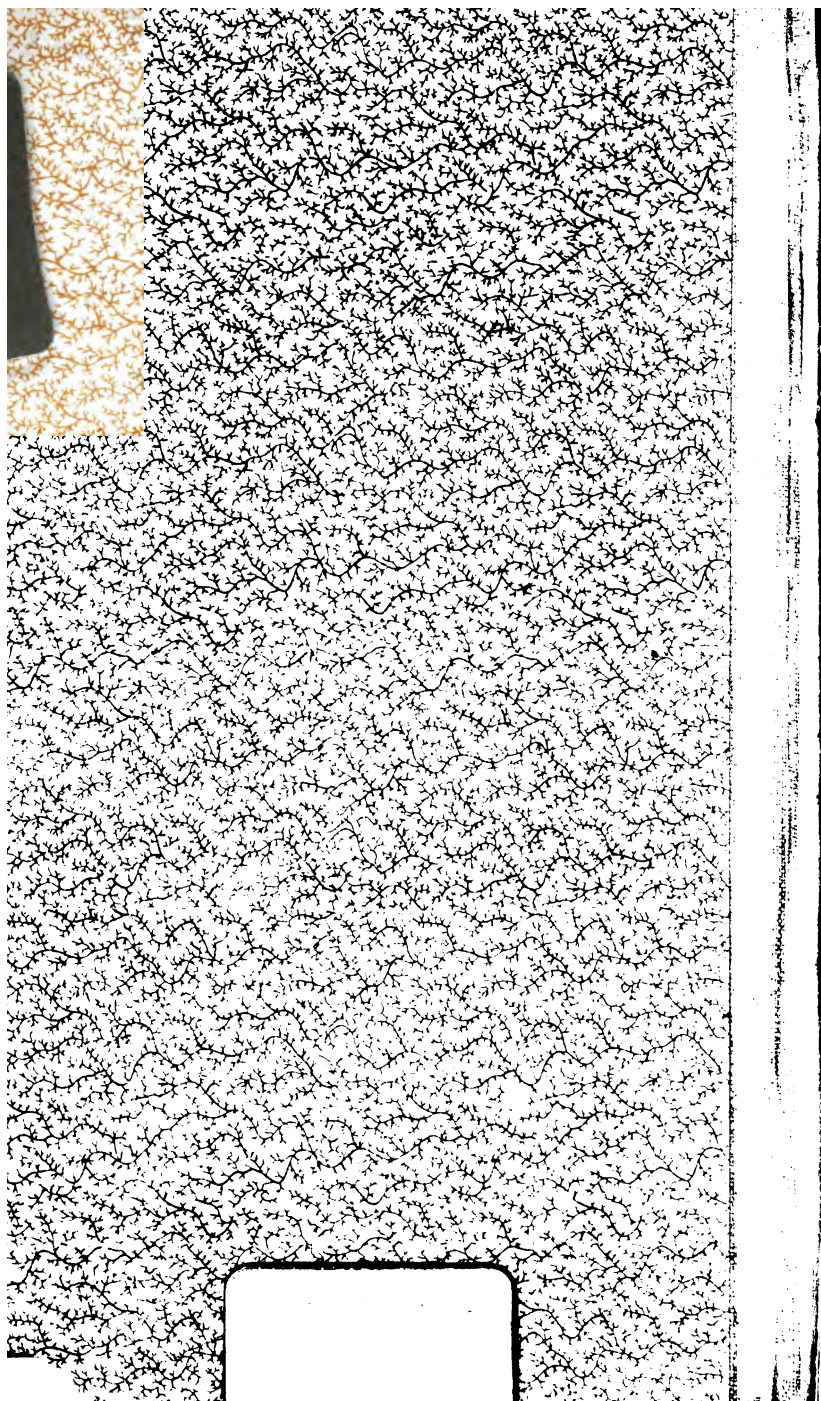
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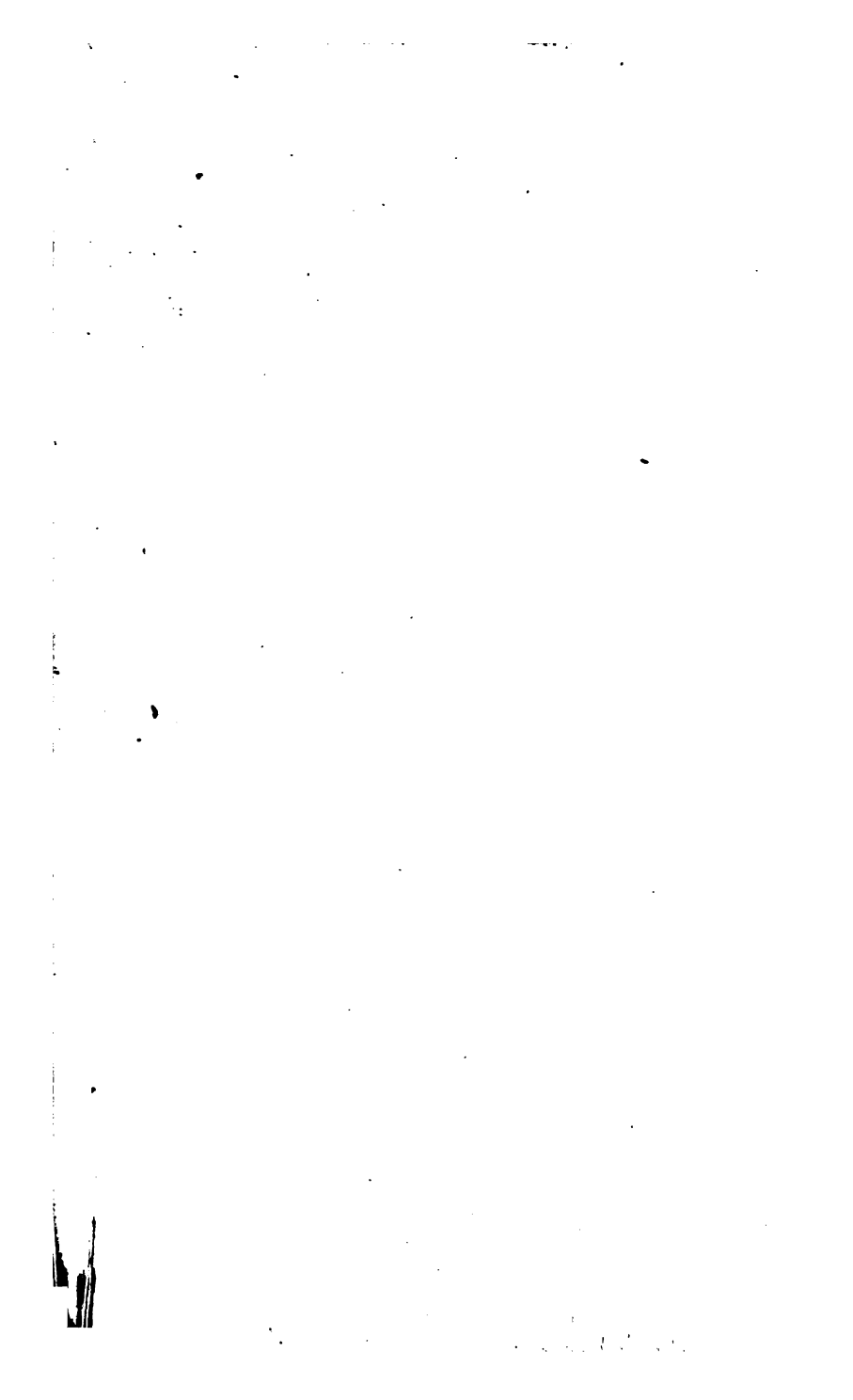




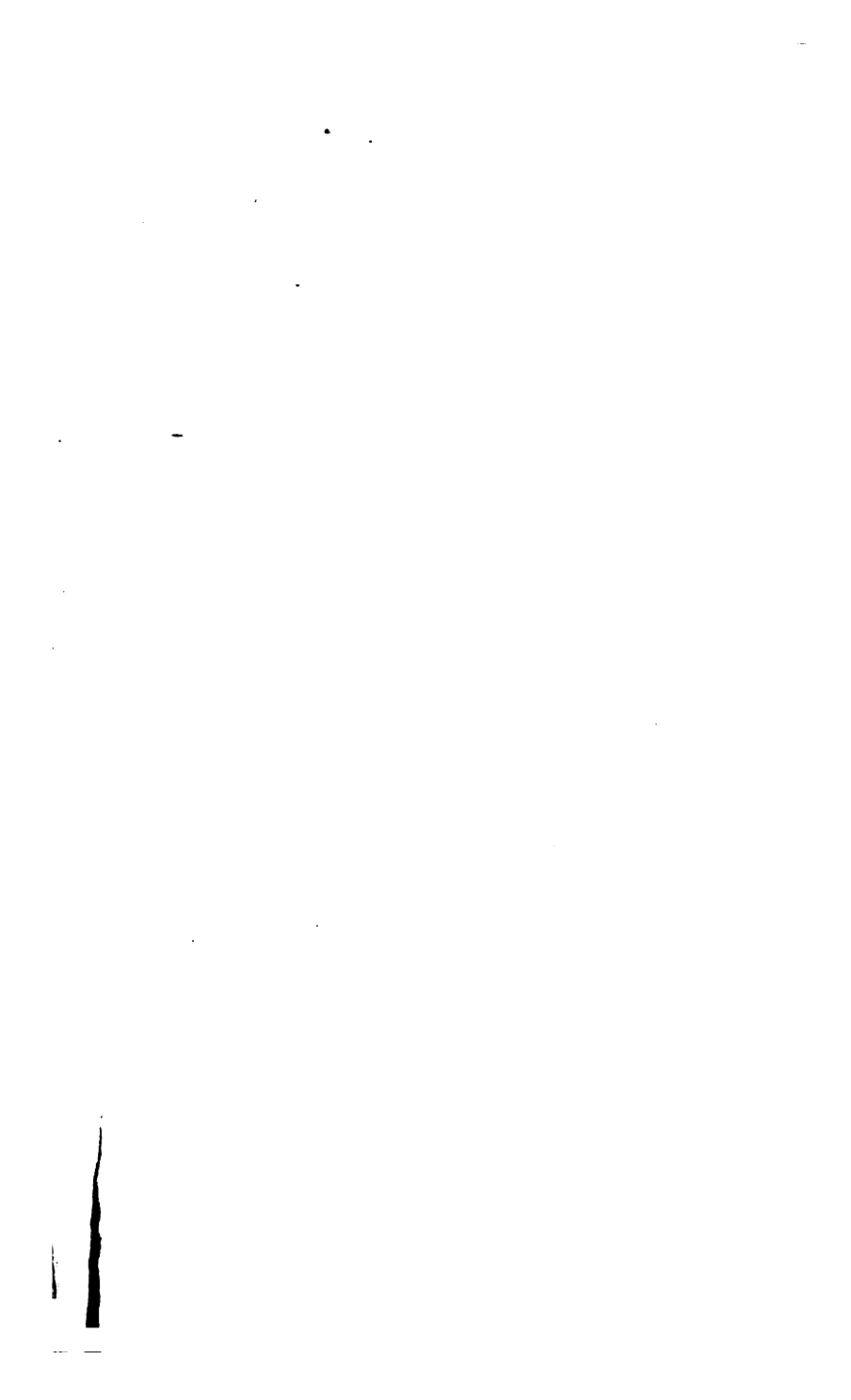














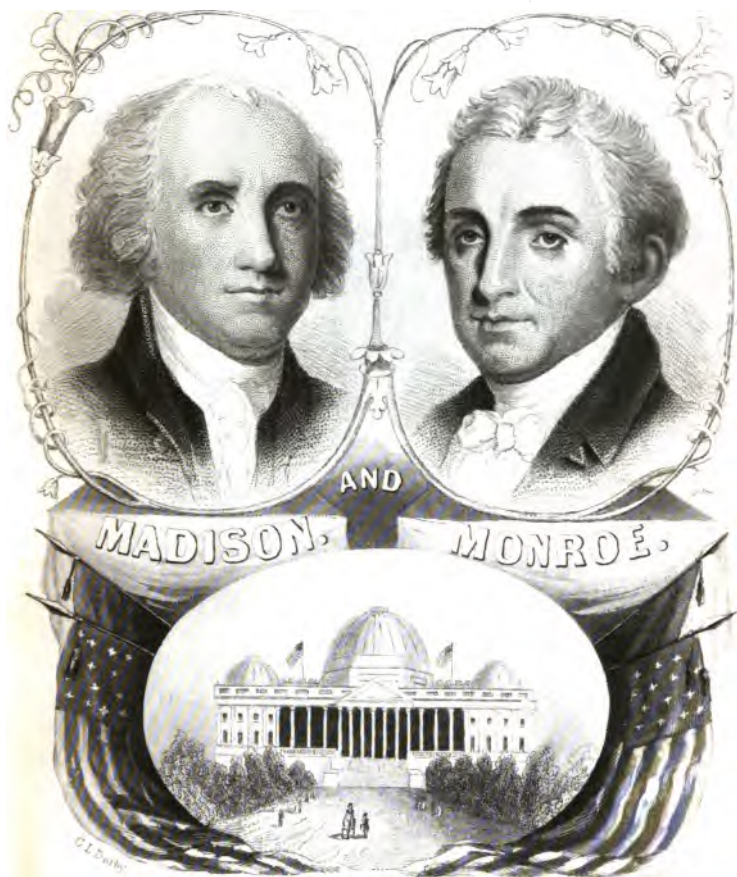




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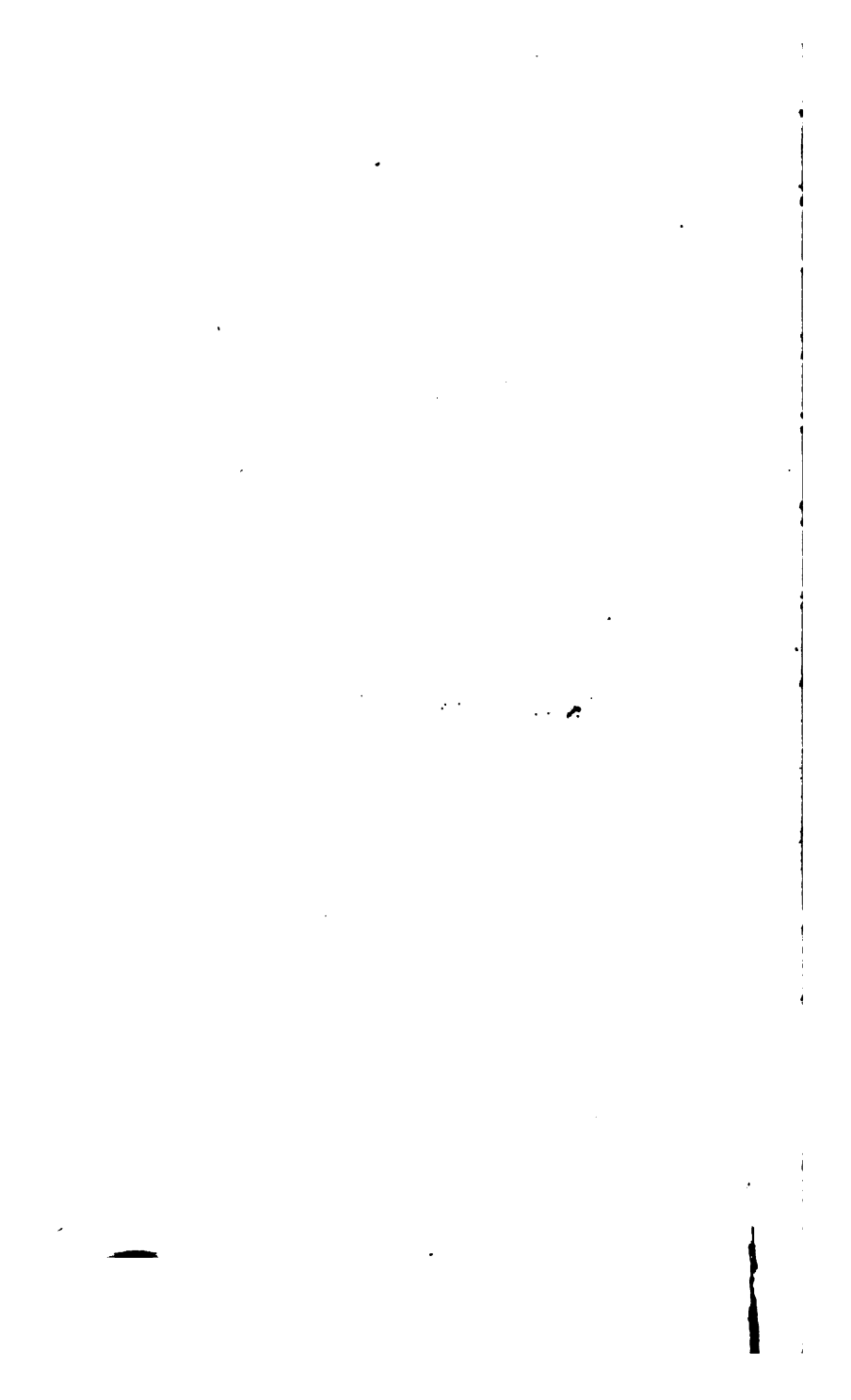


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ITS MORE EXEMPLIFIERS,  
AND ITS TRIUMPHANT ADVOCATES,  
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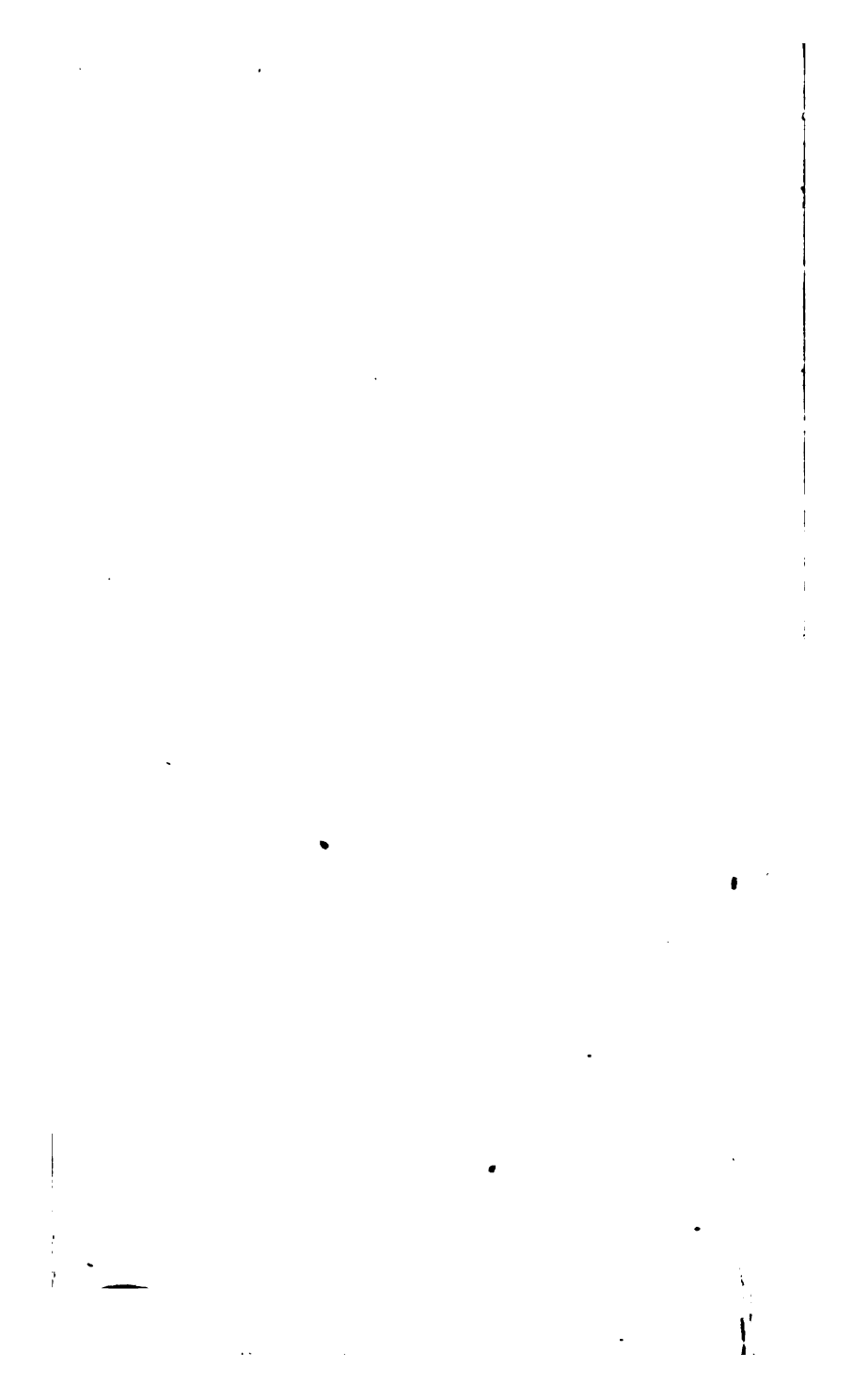
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## P R E F A C E .

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Now that John Quincy Adams—the sage, the philosopher, and the statesman—has been gathered to his fathers, an air of sanctity, never witnessed while he was in life, surrounds everything he wrote or uttered ; and the odor of nationality “rises gratefully, from the emanations of his brilliant genius, and the productions of his superior intellect.”

He, indeed, touched nothing that he did not adorn with the rich charms of the language he moulded at his will, or the mental treasures of his inexhaustible store. And no one, perhaps, among American statesmen or men of letters, was better able than he to pronounce the eulogies of Madison and Monroe.

In presenting to the public, these *chef-d'œuvres* of a master hand, in a permanent form, the editor has not the vanity to suppose he can add a single additional charm. And yet, to the lover of history, and to the politician, the notices of the administrations of those two most eminent disciples of Thomas Jefferson, which accompany them, may not be without interest.

But it is the condition of our nature to look *before* and *after* : The Persian tyrant looked *forward*, and lamented the shortness of life ; but in that century which bounded his mental vision, he knew not what was to come to pass, for weal or woe, to the race whose transitory nature he deplored, and his own purposes, happily baffled by the elements which he with absurd presumption would have chastised, were of the most odious and detestable character.

Reflections upon the shortness of time allotted to individual man upon this planet, may be turned to more useful account, by connecting them with ages past than with those that are to come. The family of man is placed upon this congregated ball to earn an improved condition hereafter by improving his own condition here—and this duty of improvement is not less a social than a selfish principle. We are bound to exert all the faculties bestowed upon us by our Maker, to improve our own condition, by improving that of our fellow men ; and the precept that we should love our neighbor as ourselves, and that we should do to others as we would that they should do unto us, are but examples of that duty of co-operation to the improvement of his kind, which is the first law of God to man, unfolded alike in the volumes of nature and of inspiration.

Let us look *back* then for consolation from the thought of the shortness of human life, as urged upon us by the recent decease of JAMES MADISON, one of the pillars and ornaments of his country and of his age.

His time on earth was short, yet he died full of years and of glory—less, far less than one hundred years have elapsed since the day of his birth—yet has he fulfilled, nobly fulfilled, his destinies as a man and a Christian. He has improved his own condition by improving that of his country and his kind.

He was born in Orange County, in the British Colony of Virginia, on the 5th of March, 1750; or according to the Gregorian calendar, adopted the year after that of his birth, on the 16th of March, 1751, of a distinguished and opulent family; and received the early elements of education partly at a public school under the charge of Donald Robertson, and afterwards in the paternal mansion under the private tuition of the Rev. Thomas Martin, by whose instructions he was prepared for admission at Princeton College.

There are three stages in the history of the North American Revolution—the first of which may be considered as commencing with the order of the British Council for enforcing the acts of trade in 1760, and as having reached its crisis at the meeting of the first Congress fourteen years after at Philadelphia. It was a struggle for the preservation and recovery of the rights and liberties of the British Colonies. It terminated in a civil war, the character and object of which was changed by the Declaration of Independence.

The second stage is that of the War of Independence, usually so called—but it began fifteen months before the Declaration, and was itself the immediate cause and not the effect of that event. It closed by

the preliminary Treaty of Peace concluded at Paris on the 30th of November, 1782.

The third is the formation of the Anglo-American People and Nation of North America. This event was completed by the meeting of the first Congress of the United States under their present Constitution, on the 4th of March, 1789. Thirty years is the usual computation for the duration of one generation of the human race. The space of time from 1760 to 1790 includes the generation with which the North American Revolution began, passed through all its stages, and ended.

The attention of the civilized European world, and perhaps an undue proportion of our own, has been drawn to the second of these three stages—to the contest with Great Britain for Independence. It was an arduous and apparently a very unequal conflict. But it was not without example in the annals of mankind. It has often been remarked that the distinction between rebellion and revolution consists only in the event, and is marked only by difference of success. But to a just estimate of human affairs there are other elementary materials of estimation. A revolution of government, to the leading minds by which it is undertaken, is an object to be accomplished. William Tell, Gustavus Vasa, William of Orange, had been the leaders of revolutions, the object of which had been the establishment or the recovery of popular liberties. But in neither of those cases had the part performed by those individuals been the result of deliberation or design.

The sphere of action in all those cases was incomparably more limited and confined—the geographical dimensions of the scene narrow and contracted—the political principles brought into collision of small compass—no foundation of the social compact to be laid—no people to be formed—the popular government of the American Revolution had been preceded by a foreseeing and directing mind. I mean not to say by one mind; but by a pervading mind, which in a preceding age had inspired the prophetic verses of Berkley, and which may be traced back to the first Puritan settlers of Plymouth and of Massachusetts Bay. “From the first institution of the Company of Massachusetts Bay,” says Dr. Robertson, “its members seem to have been animated with a spirit of innovation in civil policy as well as in religion; and by the habit of rejecting established usages in the one, they were prepared for deviating from them in the other. They had applied for a royal charter, in order to give legal effect to their operations in England, as acts of a body politic; but the persons whom they sent out to America, as soon as they landed there, considered themselves as individuals, united together by voluntary association, possessing the natural right of men who form a society to adopt what mode of government and to enact what laws they deemed most conducive to general felicity.”

And such had continued to be the prevailing spirit of the people of New England from the period of their settlement to that of the revolution. The people of Virginia, too notwithstanding their primitive loyalty,

had been trained to revolutionary doctrines and to war-like habits ; by their frequent collision with Indian wars ; by the convulsions of Bacon's rebellion, and by the wars with France, of which their own borders were the theatre, down to the close of the war which immediately preceded that of the revolution. The contemplation and the defiance of danger, a qualification for all great enterprise and achievement upon earth, was from the very condition of their existence, a property almost universal to the British Colonists in North America ; and hardihood of body, unfettered energy of intellect and intrepidity of spirit, fitted them for trials, which the feeble and enervated races of other ages and climes could never have gone through.

For the three several stages of this new Epocha in the earthly condition of man, a superintending Providence had ordained that there should arise from the native population of the soil, individuals with minds organized and with spirits trained to the exigencies of the times, and to the successive aspects of the social state. In the contest of principle which originated with the attempt of the British Government to burden their Colonies with taxation by act of Parliament, the natural rights of mankind found efficient defenders in James Otis, Patrick Henry, John Dickinson, Josiah Quincy, Benjamin Franklin, Arthur Lee and numerous other writers of inferior note. As the contest changed its character, Samuel and John Adams and Thomas Jefferson were among the first who raised the standard of Independence and prepared the people for the con-



flict through which they were to pass. For the contest of physical force by arms, Washington, Charles Lee, Putnam, Green, Gates, and a graduation of others of inferior ranks had been prepared by the preceding wars—by the conquest of Canada and by the previous capture of Louisburg. From the beginning of the war, every action was disputed with the perseverance and tenacity of veteran combatants, and the minute men of Lexington and Bunker's Hill were as little prepared for flight at the onset as the Macedonian phalanx of Alexander or the tenth legion of Julius Cæsar.

But the great work of the North American revolution was not in the maintenance of the rights of the British Colonies by argument, nor in the conflict of physical force by war. The Declaration of Independence annulled the national character of the American people. That character had been common to them all as subjects of one and the same sovereign, and that sovereign was a king. The dissolution of that tie was pronounced by one act common to them all, and it left them as members of distinct communities in the relations towards each other, bound only by the obligations of the law of nature and of the Union, by which they had renounced their connexion with the mother country.

But what was to be the condition of their national existence? This was the problem of difficult solution for them; and this was the opening of the new era in the science of government and in the history of mankind.

Their municipal governments were founded upon the common law of England, modified by their respective charters ; by the Parliamentary law of England so far as it had been adopted by their usages, and by the enactments of their own Legislative assemblies. This was a complicated system of law, and has formed a subject of much internal perplexity to many of the States of the Union, and in several of them continues unadjusted to this day. By the common consent of all, however, this was reserved for the separate and exclusive regulation of each state within itself.

As a member of the community of nations, it was also agreed that they should constitute one body—“*E Pluribus Unum*” was the device which they assumed as the motto for their common standard. And there was one great change from their former condition, which they adopted with an unanimity so absolute, that no proposition of a different character was ever made before them. It was that all their governments should be republican. They were determined not only to be separately republics, but to tolerate no other form of government as constituting a part of their community. A natural consequence of this determination was that they should remain separate independencies, and the first suggestion which presented itself to them, was that their Union should be merely a confederation.

In the first and in the early part of the second stage of the revolution, the name of JAMES MADISON had not appeared. At the commencement of the contest

he was but ten years of age. When the first blood was shed, here in the streets of Boston, he was a student in the process of his education at Princeton College, where the next year, 1771, he received the degree of Bachelor of Arts. He was even then so highly distinguished by the power of application and the rapidity of his progress, that he performed all the exercises of the two senior Collegiate years in one—while at the same time his deportment was so exemplary, that Dr. Witherspoon, then at the head of that College, and afterwards himself one of the most eminent Patriots and Sages of our revolution, always delighted in bearing testimony to the excellency of his character at that early stage of his career; and said to Thomas Jefferson long afterwards, when they were all colleagues in the revolutionary Congress, that in the whole career of Mr. MADISON at Princeton, he had never known him to say or do an indiscreet thing.

Discretion in its influence upon the conduct of men is the parent of moderate and conciliatory counsels, and these were peculiarly indispensable to the perpetuation of the American Union, and to the prosperous advancement and termination of the revolution, precisely at the period when Mr. Madison was first introduced into public life.

In 1775, among the earliest movements of the revolutionary contest, he was a member of the Committee of Public Safety of the County of Orange, and in 1776, of the Convention substituted for the ordinary Legislature of the Colony. By one of those transient ca-

prices of popular favour, which sometimes influence elections, he was not returned to the House of Delegates in 1777, but was immediately after elected by that body to the Executive Council, of which he continued a leading member till the close of the year 1779, and was then transferred by the Legislature to the representation of the Commonwealth in the Continental Congress. His first entrance into public life was signalized by the resolution of the Convention of the State, instructing their Delegates to vote for the Independence of the Colonies ; by the adoption of a declaration of rights, and by their organization of a State government, which continued for more than half a century the Constitution of the Commonwealth before it underwent the revision of the people ; an event in which he was destined again to take a conspicuous part. On the 20th of March, 1780, he took his seat as a delegate in the Congress of the Confederation. It was then in the midst of the revolution, and under the influence of its most trying scenes, that his political character was formed ; and then it was that the virtue of discretion, the spirit of moderation, the conciliatory temper of compromise found room for exercise in its most comprehensive extent.

One of the provisions in the articles of Confederation most strongly marked with that same spirit of Liberty, the vital breath of the contest in which our fathers were engaged ; the true and undying conservative spirit by which we their children enjoy that Freedom which they achieved ; but which like all

other pure and virtuous principles sometimes leads to error by its excess, was that no member of this omnipotent Congress should hold that office more than three years in six. This provision, however, was construed not to have commenced its operation until the final ratification of the articles by all the States on the first of March, 1781. Mr. Madison remained in Congress nearly four years, from the 20th of March, 1780, till the first Monday in November, 1783. He was thus a member of that body during the last stages of the revolutionary war and for one year after the conclusion of the Peace. He had, during that period, unceasing opportunities to observe the mortifying inefficiency of the merely federative principle upon which the Union of the States had been organized, and had taken an active part in all the remedial measures proposed by Congress for amending the Articles of Confederation.

A Confederation is not a country. There is no magnet of attraction in any league of Sovereign and Independent States which causes the heart-strings of the individual man to vibrate in unison with those of his neighbor. Confederates are not Countrymen, as the tie of affinity by convention can never be so close as the tie of kindred by blood. The Confederation of the North American States was an experiment of inestimable value, even by its failure. It taught our fathers the lesson, that they had more, infinitely more to do than merely to achieve their Independence by war. That they must form their social compact upon

principles never before attempted upon earth. That the Achean league of ancient days, the Hanseatic league of the middle ages, the leagues of Switzerland or of the Netherlands of later times, furnished no precedent upon which they could safely build their labouring plan of State. The Confederation was perhaps as closely knit together as it was possible that such a form of polity could be grappled ; but it was matured by the State Legislatures without consultation with the People, and the jealousy of sectional collisions, and the distrust of all delegation of power, stamped every feature of the work with inefficiency.

The deficiency of powers in the Confederation was immediately manifested in their inability to regulate the commerce of the country, and to raise revenue, indispensable for the discharge of the debt accumulated in the progress of the Revolution. Repeated efforts were made to supply this deficiency ; but always without success.

On the 3d of February, 1781, it was recommended to the several States as indispensably necessary that they should vest a power in Congress to levy for the use of the United States a duty of five per cent. ad valorem upon foreign importations, and all prize goods condemned in a Court of Admiralty ; the money arising from those duties to be appropriated to the discharge of the debts contracted for the support of the war.

On the 18th of April, 1783, a new recommendation was adopted by Resolutions of nine States, as indis-

pensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debt, to invest the Congress with a power to lay certain specific duties upon spirituous liquors, tea, sugar, coffee and cocoa, and five per cent. ad valorem upon all other imported articles of merchandise, to be exclusively appropriated to the payment of the principal or interest of the public debt.

And that as a further provision for the payment of the interest of the debt, the States themselves should levy a revenue to furnish their respective quotas of an aggregate annual sum of one million five hundred thousand dollars.

And that to provide a further guard for the payment of the same debts, to hasten their extinguishment, and to establish the harmony of the United States, the several States should make liberal cessions to the Union of their territorial claims.

With this act a Committee, consisting of Mr. MADISON, Mr. Ellsworth and Mr. Hamilton, was appointed to prepare an address to the States, which on the 26th of the same month was adopted, and transmitted together with eight documentary papers, demonstrating the necessity that the measures recommended by the act should be adopted by the States.

This address, one of those incomparable State papers which more than all the deeds of arms immortalized the rise, progress and termination of the North American revolution, was the composition of JAMES MADISON. After compressing into a brief and lumin-

ous summary all the unanswerable arguments to induce the restoration and maintenance of the public faith, it concluded with the following solemn and prophetic admonition :

“ Let it be remembered, that it has ever been the pride and boast of America, that the rights for which she contended, were the rights of human nature. By the blessing of the Author of these rights on the means exerted for their defence, they have prevailed over all opposition, and form the basis of thirteen independent States. No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of republican Government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude and all other qualities which ennoble the character of a nation, and fulfil the ends of Government be the fruits of our establishments, the cause of Liberty will acquire a dignity and lustre which it has never yet enjoyed ; and an example will be set which cannot but have the most favorable influence on the rights of mankind. If, on the other side, our Governments should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed ; the last and fairest experiment in favor of the rights of human nature will be turned against them ; and



their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation."

My countrymen ! do not your hearts burn within you at the recital of these words, when the retrospect brings to your minds the time when, and the person by whom they were spoken ? Compare them with the closing paragraphs of the address from the first Congress of 1774, to your forefathers, the people of the Colonies.

"Your own salvation and that of your posterity now depends upon yourselves. Against the temporary inconveniences you may suffer from a stoppage of Trade, you will weigh in the opposite balance the endless miseries you and your descendants must endure from an established arbitrary power. You will not forget the Honor of your Country that must, from your behavior, take its title in the estimation of the world to Glory or to Shame ; and you will with the deepest attention reflect, that if the peaceable mode of opposition recommended by us be broken and rendered ineffectual, you must inevitably be reduced to choose either a more dangerous contest, or a final ruinous and infamous submission. We think ourselves bound in duty to observe to you that the schemes agitated against these Colonies have been so conducted as to render it prudent that you should extend your views to mournful events and be in all respects prepared for every contingency."

That was the trumpet of summons to the conflict of the revolution ; as the address of April, 1783 was

the note of triumph at its close. They were the first and the last words of the Spirit, which in the germ of the Colonial contest, brooded over its final fruit, the universal emancipation of civilized man.

Compare them both with the opening and closing paragraphs of the Declaration of Independence, too deeply rivited in your memories to need the repetition of them by me ; and you have the unity of action essential to all heroic achievement for the benefit of mankind, and you have the character from its opening to its close ; the beginning, the middle and the end of that unexampled, and yet unimitated moral and political agent, the Revolutionary North American Congress.

But the Address of 1783 marks the commencement of one era in American History as well as the close of another. MADISON, Ellsworth, Hamilton, were not of the Congress of 1774, nor yet of the Congress which declared Independence. They were of a succeeding generation, men formed in and by the revolution itself. They had imbibed the Spirit of the revolution, but the nature of their task was changed. Theirs was no longer the duty to call upon their countrymen to extend their views to mournful events, and to prepare themselves for every contingency. But more emphatically than even the Congress of 1774, were they required to warn their fellow citizens that their salvation and that of their posterity depended upon themselves.

The warfare of self defence against foreign oppres-

sion was accomplished. Independence, unqualified, commercial and political, was achieved and recognised. But there was yet in substance no nation—no people—no country common to the Union. These had been self-formed in the heat of the common struggle for freedom ; and evaporated in the very success of the energies they had inspired. A Confederation of separate State Sovereignties, never sanctioned by the body of the people, could furnish no effective Government for the nation. A cold and lifeless indifference to the rights, the interests, and the duties of the Union had fallen like a palsy upon all their faculties instead of that almost supernatural vigor which, at the origin of their contest, had inscribed upon their banners, and upon their hearts, “join or die.”

In November, 1783, Mr. MADISON's constitutional term of service in Congress, as limited by the restriction in the articles of Confederation, expired. But his talents were not lost to his Country. He was elected the succeeding year a member of the Legislature of his native State, and continued by annual election in that station till November, 1786, when having become re-eligible to Congress, he was again returned to that body, and on the 12th of February, 1787, resumed his seat among its members.

In the Legislature of Virginia, his labors, during his absence of three years from the general councils of the Confederacy, were not less arduous and unremitting, nor less devoted to the great purposes of revolutionary legislation, than while he had been in Con-

gress. The colony of Virginia had been settled under the auspices of the Episcopal Church of England. It was there the established Church; and all other religious denominations, there, as in England, were stigmatized with the name of dissenters. For the support of this Church, the Colonial laws prior to the revolution had subjected to taxation all the inhabitants of the Colony, and it had been endowed with grants of property by the Crown. The effect of this had naturally been to render the Church establishment unpopular, and the clergy of that establishment generally unfriendly to the revolution. After the close of the War, in the year 1784, Mr. Jefferson introduced into the Legislature a Bill for the establishment of Religious Freedom. The principle of the Bill was the abolition of all taxation for the support of Religion, or of its Ministers, and to place the freedom of all religious opinions wholly beyond the control of the Legislature. These purposes were avowed, and supported by a long argumentative preamble. The Bill failed however to obtain the assent of the Assembly, and instead of it they prepared and caused to be printed a Bill establishing a provision for teachers of the Christian Religion. At the succeeding session of the Legislature, Mr. Jefferson was absent from the country, but Mr. Madison, as the champion of Religious Liberty, supplied his place. A memorial and Remonstrance against the Bill making provision for the teachers of the Christian Religion was composed by Mr. Madison, and signed by multitudes of

the citizens of the Commonwealth, and the Bill drafted by Mr. Jefferson, together with its preamble, was by the influence of his friend triumphantly carried against all opposition through the Legislature.

The principle that religious opinions are altogether beyond the sphere of legislative control, is but one modification of a more extensive axiom, which includes the unlimited freedom of the press, of speech, and of the communication of thought in all its forms. An authoritative provision by law for the support of teachers of the Christian Religion was prescribed by the third Article of the Bill of Rights in the Constitution of this Commonwealth. An amendment recently adopted by the people has given their sanction to the opinions of Jefferson and Madison, and the substance of the Virginia Statute, for the establishment of Religious Freedom, now forms a part of the Constitution of Massachusetts. That the freedom and communication of thought is paramount to all legislative authority, is a sentiment becoming from day to day more prevalent throughout the civilized world, and which it is fervently to be hoped will henceforth remain inviolate by the legislative authorities not only of the Union but of all its confederated States.

At the Session of 1785, a general revisal was made of the Statute Laws of Virginia, and the great burden of the task devolved upon Mr. Madison as chairman of the Judiciary Committee of the House. The general principle which pervaded this operation was the adaptation of the civil code of the Commonwealth, to

its republican and unfettered independence as a Sovereign State, and he carried it through with that same spirit of liberty and liberality which had dictated the Act for the establishment of Religious Freedom. The untiring industry, the searching and penetrating application, the imperturbable patience, the moderation and gentleness of disposition, which smoothed his way over the ruggedest and most thorny paths of life, accompanied him through this transaction as through all the rest. While a member of the Legislature of Virginia, he had contributed more than any other person to the adjustment of that vital interest of the Union, the disposal of the Public Lands. It was the collision of opinions and of interests relating to them which had delayed the conclusion of the Articles of Confederation ; and the cession afterwards made of the North Western Territory was encumbered with conditions which further delayed its acceptance. By the influence of Mr. Madison, the terms of the cession were so modified, that in conformity with them the ordinance for the government of the North Western Territory was finally adopted and established by Congress on the 13th of July, 1787, in the midst of the labors of the Convention at Philadelphia, which two months later presented to *the People* of the United States for their acceptance, that Constitution of Government, thenceforth the polar star of their Union.

The experience of four years in the Congress of the Confederation, had convinced Mr. Madison that the Union could not be preserved by means of that insti-

tution. That its inherent infirmity was a deficiency of power in the federal head, and that an insurmountable objection to the grant of further powers to Congress, always arose from the adverse prejudices and jealousy with which the demand of them was urged by that body itself. The difficulty of obtaining such grant of power, was aggravated by the consideration that it was to be invested in those by whom it was solicited, and was at the same time, and in the same degree, to abridge the power of those by whom it was to be granted.

To avoid these obstacles it occurred to Mr. Madison that the agency of a distinct, delegated body, having no invidious interest of its own, or of its members, might be better adapted, deliberately to discuss the deficiencies of the federal compact, than the body itself by whom it was administered. The friends with whom he consulted in the Legislature of Virginia, concurred with him in these opinions, and the motion for the appointment of Commissioners to consider of the state of *trade* in the confederacy suggested by him, was made in the Legislature by his friend, Mr. Tyler, and carried by the weight of his opinions, and the exertion of his influence, without opposition.

This proposition was made and Commissioners were appointed by the Legislature of Virginia, on the 21st of January, 1786. The Governor of the Commonwealth, Edmund Randolph, was placed at the head of the delegation from the State. Mr. Madison and six others, men of the first character and influence in the

State, were the other Commissioners. The meeting was held at Annapolis in September, and two commissioners from New York, three from New Jersey, one from Pennsylvania, three from Delaware, and three from Virginia, constituted the whole number of this Convention. Five States only were represented, and among them, Pennsylvania by a single member. Four States, among whom was Maryland, the very State within which the Assembly was held, had not even appointed Commissioners, and the deputies from four others, among whom was our own beloved, native Commonwealth, suffering, even then, the awful calamity of a civil war, generated by the imbecility of the federal compact of union, did not even think it worth while to give their attendance.

Yet even in that Convention of Annapolis, was the germ of a better order of things. The Commissioners elected John Dickinson, of Delaware, their chairman, and after a session of three days, agreed upon a report, doubtless drafted by Mr. Madison,—addressed to the Legislatures by which they had been appointed, and copies of which were transmitted to the other State Legislatures and to Congress.

In this report they availed themselves of a suggestion derived from the powers which the Legislature of New Jersey had conferred upon their Commissioners, and which contemplated a more enlarged revision of the Articles of Confederation; and they urgently recommended that a second convention of delegates, to which all the States should be invited to appoint



Commissioners, should be held at Philadelphia, on the second Monday of the next May, for a general revision of the *Constitution* of the Federal Government, to render it adequate to the exigencies of the Union, and to report to Congress an act, which, when agreed to by them and confirmed by all the State Legislatures, *should* effectually provide for the same. In this report first occurred the use of the terms *Constitution of the Federal Government* as applied to the United States—and the sentiment was avowed that it should be made adequate to the exigencies of the Union. There was, however, yet no proposal for recurring to the great body of the people.

The recommendation of the report was repeated by Congress without direct reference to it, upon a resolution offered by the delegation of Massachusetts, founded upon a proviso in the Articles of Confederation and upon instructions from the State of New York to their delegates in Congress, and upon the suggestion of several States. The Convention assembled accordingly at Philadelphia, on the 9th of May, 1787.

In most of the inspirations of genius, there is a simplicity, which, when they are familiarized to the general understanding of men by their effects, detracts from the opinion of their greatness. That the people of the British Colonies, who, by their united counsels and energies had achieved their independence, should continue to be one people, and constitute a nation under the form of one or-

ganized government, was an idea, in itself so simple, and addressed itself at once so forcibly to the reason, to the imagination, and to the benevolent feelings of all, that it can scarcely be supposed to have escaped the mind of any reflecting man from Maine to Georgia. It was the dictate of nature. But no sooner was it conceived than it was met by obstacles innumerable to the general mass of mankind. They resulted from the existing social institutions, diversified among the parties to the projected national union, and seeming to render it impracticable. There were chartered rights for the maintenance of which the war of the revolution itself had first been waged. There were State Sovereignities, corporate feudal baronies, tenacious of their own liberty, impatient of a superior, and jealous and disdainful of a paramount Sovereign, even in the whole democracy of the nation. There were collisions of boundary and of proprietary right westward in the soil—southward, in its cultivator. In fine the diversities of interests, of opinions, of manners, of habits, and even of extraction were so great, that the plan of constituting them one People, appears not to have occurred to any of the members of the Convention before they were assembled together.

It was earnestly contested in the Convention itself. A large proportion of the members adhered to the principle of merely revising the articles of the Confederation and of vesting the powers of Government in the confederate Congress. A proposition to that

effect was made by Mr. Patterson of New Jersey, in a series of Resolutions, offered as a substitute for those of Mr. Randolph, immediately after the first discussions upon them.

Nearly four months of anxious deliberation were employed by an assembly composed of the men who had been the most distinguished for their services civil and military, in conducting the country through the arduous struggles of the revolution—of men who to the fire of genius added all the lights of experience, and were stimulated by the impulses at once of ardent patriotism and of individual ambition, aspiring to that last and most arduous labor of constituting a nation destined in after times to present a model of Government for all the civilized nations of the earth. On the 17th of September, 1787, they reported.

When the substance of their work was gone through, a Committee of five members, of whom Mr. Madison was one, was appointed to revise the style, and to arrange the Articles which had been agreed to by the Convention; and this Committee was afterwards charged with the preparation of an address to the People of the United States.

The address to the People was reported in the form of a letter from Washington, the President of the Convention, to the President of Congress; a Letter, admirable for the brevity and the force with which it presents the concentrated argument for the great change of their condition, which they called upon

their fellow citizens to sanction. And this Letter, together with an addition of two or three lines in the preamble, reported by the same Committee, did indeed comprise the most powerful appeal that could sway the heart of man, ever exhibited to the contemplation and to the hopes of the human race.

It did not escape the notice or the animadversion of the adversaries to this new national organization. They were at the time when the Constitution was promulgated, perhaps more numerous, and scarcely less respectable, than the adherents to the Constitution themselves. They had also, in the management of the discussion, almost all the popular side of the argument.

Government in the first and most obvious aspect which it assumes, is a restraint upon human action, and as such, a restraint upon Liberty. The Constitution of the United States was intended to be a government of great energy, and of course of extensive restriction not only upon individual Liberty but upon the corporate action of States claiming to be Sovereign and Independent. The Convention had been aware that such restraints upon the People could be imposed by no earthly power other than the People themselves. They were aware that to induce the People to impose upon themselves such binding ligaments, motives not less cogent than those which form the basis of human association were indispensably necessary. That the first principle of politics must be indissolubly linked with the first

principles of morals. They assumed therefore the existence of a People of the United States, and made them declare the Constitution to be their own work—speaking in the first person and saying *We, the People* of the United States, do ordain and establish this Constitution for the United States of America—and then the allegation of motives—to form a more perfect union, to establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of Liberty to ourselves and our posterity. These are precisely the purposes for which it has pleased the Author of nature to make man a sociable being, and has blended into one his happiness with that of his kind.

So cogent were these motives and so forcibly were they compressed within the compass of this preamble, and in the Letter from President Washington to the President of Congress, that this body immediately and unanimously adopted the resolutions of the Convention, recommending that the projected Constitution should be transmitted to the Legislatures of the several States, to be by them submitted to Conventions of Delegates, to be chosen in each State by the People thereof, under the recommendation of its Legislature, for their assent and ratification. This unanimity of Congress is perhaps the strongest evidence ever manifested of the utter contempt into which the Articles of Confederation had fallen. The Congress which gave its unanimous sanction to the

measure was itself to be annihilated by the Constitution thus proposed. The Articles of Confederation were to be annihilated with it. Yet all the members of the Congress so ready to sanction its dissolution, had been elected by virtue of those Articles of Confederation—to them the faith of all the States had been pledged, and they had expressly prescribed that no alteration of them should be adopted, but by the unanimous consent of the States.

Thus far the proposal first made by Mr. Madison in the Legislature of Virginia, for the new political organization of the Union, had been completely successful. A People of the United States was formed. A Government, Legislative, Executive and Judicial was prepared for them, and by a daring though unavoidable anticipation, had been declared by its authors to be the Ordinance of that people themselves. It could be made so only by their adoption. But the greatest labor still remained to be performed. The people throughout the Union were suffering, but a vast proportion of them were unaware of the cause of the evil that was preying upon their vitals. A still greater number were bewildered in darkness in search of a remedy, and there were not wanting those among the most ardent and zealous votaries of Freedom who, instead of adding to the powers of the general Congress, inefficient and imbecile as they were, inclined rather to redeem the confederacy from the forlorn condition to which it was reduced, by stripping the Congress of the pittance of power which

they possessed. In the indulgence of this spirit the Delegates from our own Commonwealth of Massachusetts, by express instructions from their constituents, moved a Resolution that the election and acceptance of any person as a member of Congress should forever thereafter be deemed to disqualify such person from being elected by Congress to any office of trust or profit under the United States, for the term for which he should have been elected a member of that body.

This morbid terror of patronage, this patriotic anxiety lest corruption should creep in by appointments of members of Congress to office under the authorities of the Union, has often been reproduced down even to recent days under the present Government of the Union. Upon the theories or the practice of the present age, it is not the time or the place here to comment. But we cannot forbear to remark upon the solicitude of our venerable forefathers in this commonwealth, to remedy the imperfection of the Articles of Confederation, the abuses of power, by the Congress of that day, and the avenues to corruption by the appointment of their members to office, when we consider that under the exclusions thus proposed, Washington could never have commanded the armies of the United States: That neither Franklin, John Adams, Arthur Lee, John Jay, Henry Laurens, Thomas Jefferson, Robert Morris, nor Robert R. Livingston could have served them as ministers abroad, or in any ministerial capacity at

home—and when we reflect that two public Ministers in Europe with their Secretaries, one Secretary of Foreign Affairs, one Secretary of War and three Commissioners of an empty Treasury, constituted the whole list of lucrative offices, civil and military, which they had to bestow.

This incident may serve as an illustration of the difficulties which were yet to be encountered before the People of the United States could be prevailed upon to fix their seal of approbation upon a constitution issued in their name, and which granted to a central Government, destined to rule over them all, powers of energy surpassing those of the most absolute monarchy, and forming, in the declared opinion of Jefferson, the strongest Government in the world.

In a people inhabiting so great an extent of Territory, the difficulties to be surmounted before they could be persuaded to adopt this Constitution, were aggravated both by their dissensions and by their agreements—by the diversity of their interests and the community of their principles. The collision of interests strongly tended to alienate them from one another, and all were alike imbued with a deep aversion to any unnecessary grant of power. The Constitution was no sooner promulgated than it was assailed in the public journals from all quarters of the Union.

The Convention was boldly and not unjustly charged with having transcended their powers, and the Congress of the Confederation, were censured in



no measured terms for having even referred it to the State Legislatures, to be submitted to the consideration of Conventions of the People.

The Congress of the Confederation were in session at New York. Several of its members had been at the same time members of the Convention at Philadelphia—and among them were James Madison and Alexander Hamilton. John Jay was not then a member of Congress nor had he been a member of the Convention—but he was the Secretary of Congress for foreign affairs and had held that office, from the time of his return from Europe, immediately after the conclusion of the definitive Treaty of Peace. He had therefore felt in its most painful form the imbecility of the Confederacy of which he was the minister, equally incapable of contracting engagements with foreign powers with the consciousness of the power to fulfil them, or of energy to hold foreign nations to the responsibility of performing the engagements contracted on their part with the United States. New York, then the central point of the confederacy, was the spot whence the most effective impression could be made by cool, dispassionate argument on the public mind; and in the midst of the tempest of excitement throughout the country occasioned by the sudden and unexpected promulgation of a system so totally different from that of the Confederation, these three persons undertook in concert, by a series of popular Essays published in the daily journals of the time, to review the system of the Confederation, to

demonstrate its inaptitude not only to all the functions of Government, but even to the preservation of the Union, and the necessity of an establishment at least as energetic as the proposed Constitution to the very existence of the United States as a Nation.

The papers under the signature of Publius were addressed to the People of the State of New York, and the introductory Essay, written by Hamilton, declared the purpose to discuss all topics of interest connected with the adoption of the Constitution. The utility of the Union to the prosperity of the People : The insufficiency of the Confederation to preserve that Union : The necessity of an energetic Government : The conformity of the proposed Constitution to the true principles of a republican Government : Its analogy to the Constitution of the State of New York, and the additional security which its adoption would afford to the preservation of republican Government, to liberty and to property. The fulfilment of this purpose was accomplished in eighty-six numbers, frequently since republished, and now constituting a classical work in the English language, and a commentary upon the Constitution of the United States, of scarcely less authority than the Constitution itself. Written in separate numbers, and in very unequal proportions, it has not indeed that entire unity of design, or execution which might have been expected, had it been the production of a single mind. Nearly two-thirds of the papers were written by Mr. Hamilton. Nearly one third by Mr. Madison, and five numbers only by Mr. Jay.

In the distribution of the several subjects embraced in the plan of the work, the inducements to adopt the Constitution arising from the relations of the Union with foreign nations, were presented by Mr. Jay ; the defects of the Confederation in this respect were so obvious, and the evil consequences flowing from them, were so deeply and universally felt, that the task was of comparative ease, and brevity, with that of the other two contributors. The defects of the Confederation were indeed a copious theme for them all; and in the analysis of them, for the exposition of their bearing on the Legislation of the several States, the two principal writers treated the subject so as to interlace with each other. The 18th, 19th, and 20th numbers are the joint composition of both. In examining closely the points selected by these two great co-operators to a common cause, and their course of argument for its support, it is not difficult to perceive that diversity of genius and of character which afterwards separated them so widely from each other on questions of political interest, affecting the construction of the Constitution which they so ably defended, and so strenuously urged their countrymen to adopt. The ninth and tenth numbers are devoted to the consideration of the utility of the Union as a safeguard against domestic faction and insurrection. They are rival dissertations upon faction and its remedy. The propensity of all free governments to the convulsions of faction is admitted by both. The advantages of a confederated republic of extensive dimensions to control this admitted and

unavoidable evil, are insisted on with equal energy in both—but the ninth number, written by Hamilton, draws its principal illustrations from the history of the Grecian Republics ; while the tenth, written by Madison, searches for the disease and for its remedies in the nature and the faculties of *Man*. There is in each of these numbers a disquisition of critical and somewhat metaphysical refinement. That of Hamilton, upon a distinction, which he pronounces more subtle than accurate, between a *confederacy* and *consolidation* of the States. That of Madison upon the difference between a *Democracy* and a *Republic*, as differently affected by Faction—meaning by a Democracy, a Government administered by the People themselves, and by a Republic, a Government by elective representation. These distinctions in both cases have, in our experience of the administration of the general Government, assumed occasional importance, and formed the elements of warm and obstinate party collisions.

The fourteenth number of the Federalist, the next in the series written by Mr. Madison, is an elaborate answer to an objection which had been urged against the Constitution, drawn from the extent of country then comprised within the United States. From the deep anxiety pervading the whole of this paper, and a most eloquent and pathetic appeal to the spirit of union, with which it concludes, it is apparent that the objection itself was in the mind of the writer, of the most formidable and plausible character. He encounters it with all the acuteness of his intellect and

all the energy of his heart. His chief argument is a recurrence to his distinction between a Republic and a Democracy—and next to that by an accurate definition of the boundaries within which the United States were then comprised. The range between the 31st and 45th degree of North Latitude, the Atlantic and the Mississippi—he contends that *such* an extent of territory, with the great improvements which were to be expected in the facilities of communication between its remotest extremes, was *not* incompatible with the existence of a confederated republic—or at least that from the vital interest of the people of the Union, and of the Liberties of mankind in the success of the American Revolution, it was worthy of an experiment yet untried in the annals of the world.

The question to what extent of territory a confederate Republic, under one general government may be adopted, without breaking into fragments by its own weight, or settling into a monarchy, subversive of the liberties of the people, is yet of transcendant interest, and of fearful portent to the people of the Union. The Constitution of the United States was formed for a people inhabiting a territory confined to narrow bounds, compared with those which can scarcely be said to confine them now. The acquisition of Louisiana and of Florida have more than doubled our domain ; and our settlements and our treaties have already removed our Western boundaries from the Mississippi to the Pacific Ocean. A colonial establishment of immense extent still hangs upon our

Northern borders, and another confederate Republic, seems to offer the most alluring spoils to our ambition and avarice at the South. The idea of embracing in one confederated government the whole continent of North America, has, at this day, nothing chimerical in its conception, and long before a lapse of time equal to that which has past since the 14th number of the *Federalist* was written, may require the invincible spirit and the uncompromising energy of our revolutionary struggle for its solution.

The other papers of the *Federalist*, written by Mr. Madison, are from the 37th to the 58th number inclusive. They relate to the difficulties which the Convention had experienced in the formation of a proper plan. To its conformity with Republican principles, with an apologetic defence of the body for transcending their powers. To a general view of the powers vested by the plan in the general government, and a comparative estimate of the reciprocal influence of the general and of the State governments with each other. They contain a laborious investigation of the maxims which require a separation of the departments of power, and a discussion of the means for giving to it practical efficacy—and they close with an examination, critical and philosophical, of the organization of the House of Representatives in the Constitution of the United States—with reference to the qualifications of the electors and the elected—to the term of service of the members; to the ratio of representation; to the total number of the body; and

to the expected subsequent augmentation of the members—and here he met and refuted an objection to the plan founded upon its supposed tendency to elevate the few above the many. These were the topics discussed by James Madison, and in leaving to his illustrious associate the development of the other Departments of the Senate, of the Executive, of the Judiciary, and the bearing of the whole system upon the militia, the commerce and revenues, the military and naval establishments, and to the public economy, it was doubtless because both from inclination and principle he preferred the consideration of those parts of the instrument which bore upon popular right, and the freedom of the citizens, to that of the aristocratic and monarchical elements of the whole fabric.

The papers of the *Federalist* had a powerful, but limited influence upon the public mind. The Constitution was successively submitted to the Conventions of the People, in each of the thirteen States, and in almost every one of them was debated against oppositions of deep feeling, and strong party excitement. The authors of the *Federalist* were again called to buckle on their armour in defence of their plan. The Convention for the Commonwealth of Virginia, met in June, 1788, nine months after the Constitution had been promulgated. It had already been ratified by seven of the States, and New Hampshire, at an adjourned session of her Convention, adopted it while the Convention of Virginia were in session. The assent of that State was therefore to complete the number of nine,

which the Constitution itself had provided should be sufficient for undertaking its execution between the ratifying States. A deeper interest was then involved in the decision of Virginia, than in that of any other member of the Confederacy, and in no State had the opposition to the plan been so deep, so extensive, so formidable as there. Two of her citizens, second only to Washington by the weight of their characters, the splendor of their public services and the reputation of their genius and talents, Patrick Henry, the first herald of the Revolution in the South, as James Otis had been at the North, and Thomas Jefferson, the author of the Declaration of Independence, and the most intimate and confidential friend of Madison himself, disapproved the Constitution. Jefferson was indeed at that time absent from the State and the country, as the representative of the United States at the Court of France. His objections to the Constitution were less fervent and radical. Patrick Henry's opposition was to the whole plan, and to its fundamental principle the change from a confederation of Independent States, to a complicated government, partly federal, and partly national. He was a member of the Virginia Convention; and there it was that Mr. Madison was destined to meet and encounter, and overcome the all but irresistible power of his eloquence, and the inexhaustible resources of his gigantic mind.

The debates in the Virginia Convention furnish an exposition of the principles of the Constitution, and a Commentary upon its provisions not inferior to the pa-



pers of the Federalist. Patrick Henry pursued his hostility to the system into all its details; objecting not only to the Preamble and the first Article, but to the Senate, to the President, to the Judicial Power, to the treaty making power, to the control given to Congress over the militia, and especially to the omission of a Bill of Rights—seconded and sustained with great ability by George Mason, who had been a member of the Convention which formed the Constitution, by James Monroe and William Grayson, there was not a controvertible point, real or imaginary, in the whole instrument which escaped their embittered opposition; while upon every point Mr. Madison was prepared to meet them, with cogent argument, with intent and anxious feeling, and with mild, conciliatory gentleness of temper, disarming the adversary by the very act of seeming to decline contention with him. Mr. Madison devoted himself particularly to the task of answering and replying to the objections of Patrick Henry, following him step by step, and meeting him at every turn. His principal coadjutors were Governor Randolph, Edmund Pendleton, the President of the Convention, John Marshall, George Nicholas, and Henry Lee of Westmoreland. Never was there assembled in Virginia a body of men, of more surpassing talent, of bolder energy, or of purer integrity than in that Convention. The volume of their debates should be the pocket and the pillow companion of every youthful American aspiring to the honor of rendering important service to his country; and there,

as he reads and meditates, will he not fail to perceive the steady, unfaltering mind of James Madison, marching from victory to victory, over the dazzling but then beclouded genius and eloquence of Patrick Henry.

The result was the unconditional ratification by a majority of only eight votes, of the Constitution of the United States on the part of the Commonwealth of Virginia, together with resolutions, recommending sundry amendments to supply the omission of a Bill of Rights. The example for this had been first set by the Convention of Massachusetts, at the motion of John Hancock, and it was followed by several other of the State Conventions, and gave occasion to the first ten Articles, amendatory of the Constitution prepared by the first Congress of the United States and ratified by the competent number of the State Legislatures, and which supply the place of a Bill of Rights.

In the organization of the Government of the United States, Washington, the leader of the armies of the revolution, the President of the Convention which had prepared the Constitution for the acceptance of the People—first in War, first in Peace, and first in the hearts of his Countrymen, was by their unanimous voice called to the first Presidency of the United States. For his assistance in the performance of the functions of the Executive power, after the institution by Congress of the chief Departments, he selected Alexander Hamilton for the office of Secretary of the Treasury, and Thomas Jefferson for that of Secreta-

ry of State. Mr. Madison was elected one of the members of the House of Representatives in the first Congress of the United States under the Constitution.

The Treasury itself was to be organized. Public credit, prostrated by the impotence of the Confederation, was to be restored, provision was to be made for the punctual payment of the public debt—taxes were to be levied—the manufactures, commerce and navigation of the Country were to be fostered and encouraged ; and a system of conduct towards foreign powers was to be adopted and maintained. A Judiciary system was also to be instituted, accommodated to the new and extraordinary character of the general Government. A permanent seat of Government was to be selected and subjected to the exclusive jurisdiction of Congress ; and the definite action of each of the Departments of the Government was to be settled and adjusted. In the councils of President Washington, divisions of opinion between Mr. Jefferson and Mr. Hamilton soon widened into collisions of principle and produced mutual personal estrangement and irritation. In the formation of a general system of policy for the conduct of the Administration in National concerns at home and abroad, different views were taken by Mr. Jefferson and Mr. Hamilton, which Washington labored much, but with little success, to conciliate. Hamilton, charged by successive calls from the House of Representatives, for reports of plans for the restoration of public credit ; upon the protection and encouragement of Manufac-

tures, and upon a National Mint and Bank, transmitted upon each of those subjects reports of consummate ability, and proposed plans most of which were adopted by Congress almost without alteration. The Secretary of State during the same period made reports to Congress, not less celebrated, on the Fisheries, on the system of commercial regulations most proper to be established, and upon weights and measures. Negotiations with foreign powers, which the inefficiency of the confederation had left in a lamentable and languishing condition, humiliating to the national honor and reputation, were resumed and re-instituted, and by long and complicated correspondences with the Governments of Great Britain, Spain and France, the National character was in the first term of the administration of Washington redeemed and exhibited to the world with a splendor never surpassed, and which gave to the tone of our national intercourse with the Sovereigns of the earth a dignity, a firmness, a candor and moderation, which shamed the blustering and trickish diplomacy of Europe at that day and shed a beam of unfading glory upon the name of republican America. But the National Constitution had not only operated as if by enchantment a most auspicious revolution in the character and reputation of the newly independent American People ; it had opened new avenues to honor and power and fame, and new prospects to individual ambition.

No sooner was the new Government organized than the eyes, the expectations and the interests and pas-

sions of men turned to the designation of the succession to the Presidency, when the official term of Washington should be completed. His own intention was to retire at the expiration of the first four years allotted to the service. The candidates of the North and South, supported by the geographical sympathies of their respective friends, were already giving rise to the agency of political combinations. The Northern candidate was not yet distinctly designated, but before the expiration of the first Congress, Mr. Jefferson was the only intended candidate of the South.

The Protection of Manufactures, the restoration of public credit, the recovery of the securities of the public debt from a state of depreciation little short of total debasement, and the facilities of exchange and of circulation furnished by the establishment of a National Bank, were of far deeper interest to the commercial and Atlantic than to the plantation States. Mr. Jefferson's distrust and jealousy of the powers granted by the Constitution followed him into office, and were perhaps sharpened by the successful exercise of them, under the auspices of a rival statesman; he insisted upon a rigid construction of all the grants of power—he denied the Constitutional power of Congress to establish Corporations, and especially a National Bank. The question was discussed in the Cabinet Council of Washington, and written opinions of Mr. Jefferson and of Edmund Randolph, then Attorney General, against the Constitutional power of Congress to establish a Bank, were given. With

these opinions, Mr. Madison then concurred. Other questions of justice and expediency, connected with the funding system of Mr. Hamilton, gave rise to warm and acrimonious debates in Congress, and mingling with the sectional divisions of the Union, and with individual attachments to men, gave an impulse and direction to party spirit which has continued to this day, and however modified by changes of times, of circumstances, and of men, can never be wholly extinguished. Too happy should I be, if with a voice speaking from the last to the coming generation of my country, I could effectually urge them to seek, in the temper and moderation of James Madison, that healing balm which assuages the malignity of the deepest seated political disease, redeems to life the rational mind, and restores to health the incorporated union of our country, even from the brain fever of party spirit.

To the sources of dissensions and the conflicts of opinion transmitted from the confederation, or generated by the organization of the new Government, were soon added the confluent streams of the French revolution and its complication of European Wars. There were features in the French revolution closely resembling our own ; there were points of national interest in both countries well adapted to harmonize their relations with each other, and a sentiment of gratitude rooted in the hearts of the American People, by the recent remembrance of the benefits derived from the alliance with France, and community of cause against

Britain, engaged all our sympathies in favor of the People of France, subverting their own Monarchy; and when her War, first kindled with Austria and Prussia, spread its flames to Great Britain, the partialities of resentment and hatred, deepening the tide and stimulating the current of more kindly and benevolent affections, became so ardent and impetuous that there was imminent danger of the country's being immediately involved in the War on the side of France—a danger greatly aggravated by the guaranty to France of her Islands in the West Indies. The subject immediately became a cause of deliberation in the Executive Cabinet, and discordant opinions again disclosed themselves between the Secretary of State, and the Secretary of the Treasury.

On the 18th of April, 1793, President Washington submitted to his Cabinet thirteen questions with regard to the measures to be taken by him in consequence of the revolution which had overthrown the French monarchy; of the new organization of a republic in that country; of the appointment of a minister from that republic to the United States, and of the war, declared by the National Convention of France against Great Britain. The first of these questions was, whether a proclamation should issue to prevent interferences of the citizens of the United States in the War? Whether the proclamation should or should not contain a declaration of neutrality? The second was whether a minister from the republic of France should be received. Upon these two questions the

opinion of the cabinet was unanimous in the affirmative—that a Proclamation of neutrality should issue and that the minister from the French Republic should be received. But upon all the other questions, the opinions of the four heads of the Departments were equally divided. They were indeed questions of difficulty and delicacy equal to their importance. No less than whether, after a revolution in France annihilating the Government with which the treaties of alliance and of commerce had been contracted, the treaties themselves were to be considered binding as between the nations; and particularly whether the stipulation of guaranty to France of her possessions in the West Indies, was binding upon the United States to the extent of imposing upon them the obligation of taking side with France in the War. As the members of the Cabinet disagreed in their opinions upon these questions, and as there was no immediate necessity for deciding them, the further consideration of them was postponed, and they were never afterwards resumed. While these discussions of the Cabinet of Washington were held, the Minister Plenipotentiary from the French republic arrived in this country. He had been appointed by the National Convention of France which had dethroned, and tried, and sentenced to death, and executed Louis the XVIth, abolished the Monarchy, and proclaimed a republic one and indivisible, under the auspices of liberty, equality and fraternity, as thenceforth the Government of France. By all the rest of Europe, they were then considered



as revolted subjects in rebellion against their Sovereign; and were not recognized as constituting an independent Government.

General Hamilton and General Knox were of opinion that the Minister from France should be conditionally received, with the reservation of the question, whether the United States were still bound to fulfill the stipulations of the Treaties. They inclined to the opinion that the Treaties themselves were annulled by the revolution of the Government in France—an opinion to which the example of the Revolutionary Government had given plausibility by declaring some of the Treaties made by the abolished Monarchy, no longer binding upon the nation. Mr. Hamilton thought also, that France had no just claim to the fulfilment of the stipulation of guaranty, because that stipulation, and the whole Treaty of Alliance in which it was contained were professedly, and on the face of them, only *defensive*, while the War which the French Convention had declared against Great Britain, was on the part of France *offensive*, the first declaration having been issued by her—that the United States were at all events absolved from the obligation of the guaranty by their inability to perform it, and that under the Constitution of the United States the interpretation of Treaties, and the obligations resulting from them, were within the competency of the Executive Department, at least concurrently with the Legislature. It does not appear that these opinions were debated or contested in the Cabinet. By their unani-

mous advice the Proclamation was issued, and Edmund Charles Genet was received as Minister Pleni potentiary of the French Republic. Thus the Executive administration did assume and exercise the power of recognising a revolutionary foreign Government as a legitimate Sovereign with whom the ordinary diplomatic relations were to be entertained. But the Proclamation contained no allusion whatever to the Treaties between the United States and France, nor of course to the Article of Guaranty or its obligations.

Whatever doubts may have been entertained by a large portion of the people, of the right of the Executive to acknowledge a new and revolutionary government, not recognized by any other Sovereign State, or of the sound policy of receiving without waiting for the sanction of Congress, a minister from a republic which had commenced her career by putting to death the king whom she had dethroned, and which had rushed into war with almost all the rest of Europe, no manifestation of such doubts was publicly made. A current of popular favor sustained the French Revolution, at that stage of its progress, which nothing could resist, and far from indulging any question of the right of the President to recognize a new revolutionary government, by receiving from it the credentials which none but Sovereigns can grant, the American People would, at that moment, have scarcely endured an instant of hesitation on the part of the President, which should have delayed for an hour the reception of the minister from the République

of France. But the Proclamation enjoining neutrality upon the people of the United States, indirectly counteracted the torrent of partiality in favor of France, and was immediately assailed with intemperate violence in many of the public journals. The *right* of the Executive to issue any Proclamation of neutrality was fiercely and pertinaciously denied, as a usurpation of Legislative authority, and in that particular case it was charged with forestalling and prematurely deciding the question whether the United States were bound, by the guaranty to France of her West India possessions in the treaty of alliance, to take side in the war with her against Great Britain—and with deciding it against France.

Mr. Jefferson had advised the Proclamation; but he had not considered it as deciding the question of the guaranty. The government of the French Republic had not claimed and never did claim the performance of the guaranty. But so strenuously was the right of the President to issue the Proclamation contested, that Mr. Hamilton, the first adviser of the measure, deemed it necessary to defend it unofficially before the public. This he did in seven successive papers under the signature of Pacificus. But in defending the Proclamation, he appears to consider it as necessarily involving the decision against the obligation of the guaranty, and maintain the right of the Executive so to decide. Mr. Madison, perhaps in some degree influenced by the opinions and feelings of his long cherished and venerated friend, Jefferson,

was already harboring suspicions of a formal design on the part of Hamilton, and of the federal party generally, to convert the government of the United States into a monarchy like that of Great Britain, and thought he perceived in these papers of Pacificus the assertion of a prerogative in the President of the United States to engage the nation in war. He therefore entered the lists against Mr. Hamilton in the public journals, and in five papers under the signature of Helvidius, scrutinized the doctrines of Pacificus with an acuteness of intellect never perhaps surpassed, and with a severity scarcely congenial to his natural disposition, and never on any other occasion indulged. Mr. Hamilton did not reply ; nor in any of his papers did he notice the animadversions of Helvidius. But all the Presidents of the United States have from that time exercised the right of yielding and withholding the recognition of governments consequent upon revolutions, though the example of issuing a Proclamation of neutrality has never been repeated. The respective powers of the President and Congress of the United States, in the case of war with foreign powers, are yet undetermined. Perhaps they can never be defined. The Constitution expressly gives to Congress the power of *declaring* war, and that act can of course never be performed by the President alone. But war is often made without being declared. War is a state in which nations are placed not alone by their own acts, but by the acts of other nations. The *declaration* of war is in its nature a legislative

act, but the conduct of war is and must be executive. However startled we may be at the idea that the Executive Chief Magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in numberless cases he has and must have exercised the power. In the case which gave rise to this controversy, the recognition of the French Republic and the reception of her minister might have been regarded by the allied powers as acts of hostility to them, and they did actually interdict all neutral commerce with France. Defensive war must necessarily be among the duties of the Executive Chief Magistrate. The papers of Pacificus and Helvidius are among the most ingenious and profound Commentaries on that most important part of the Constitution, the distribution of the Legislative and Executive powers incident to war, and when considered as supplementary to the joint labors of Hamilton and Madison in the Federalist, they possess a deep and monitory interest to the American philosophical Statesman. The Federalist exhibits the joint efforts of two powerful minds in promoting one great common object, the adoption of the Constitution of the United States. The papers of Pacificus and Helvidius present the same minds, in collision with each other, exerting all their energies in conflict upon the construction of the same instrument which they had so arduously labored to establish ; and it is remarkable that upon the points in the papers of Pacificus most keenly contested by his adversary, the

most forcible of his arguments are pointed with quotations from the papers of the *Federalist*, written by Mr. Hamilton.

But whether in conjunction with or in opposition to each other, the co-operation or the encounter of intellects thus exalted and refined, controlled by that moderation and humanity, which have hitherto characterized the history of our Union, cannot but ultimately terminate in spreading light and promoting peace among men. Happy, thrice happy the people, whose political oppositions and conflicts have no ultimate appeal but to their own reason; of whose party feuds the only conquests are of argument, and whose only triumphs are of the mind. In other ages and in other regions than our own, the question of the respective powers of the Legislature and of the Executive with reference to war, might itself have been debated in blood, and sent numberless victims to their account on the battle-field or the scaffold. So it was in the sanguinary annals of the French Revolution. So it has been and yet is in the successive revolutions of our South American neighbors. May that merciful Being who has hitherto overruled all our diversities of opinion, tempered our antagonizing passions, and conciliated our conflicting interests, still preside in all our councils, and in the tempests of our civil commotions still ride in the whirlwind and direct the storm.

It was indeed at one of the most turbulent and tempestuous periods of human history that the Constitution of the United States first went into operation

It was convulsed not only by the convulsions of the old world, but by tumultuary agitations of the most alarming character and tendency from within. Such were the dangers and the difficulties with which the Government of the United States, from the first moment of its organization under Washington, was beset and surrounded, that they undoubtedly led him to the determination to withdraw from the charge and responsibility of presiding over it, at as early a period as possible. It was with difficulty that he was prevailed upon to postpone the execution of this design till the expiration of a second term of service; but so radically different were the opinions and the systems of policy of Washington's two principal advisers, especially with reference to the external relations of the United States, that he was unable to retain beyond the limits of the first term their united assistance in his Cabinet. In the struggle to maintain the neutrality which he had proclaimed, and in the festering inflammation of interests and passions, gathering with the progress of the French revolution, he coincided more in judgment with the Secretary of the Treasury, than with the Secretary of State, and they successively retired from their offices, in which each of them had rendered the most important services, and contributed to raise the Country and its Government high in the estimation of the world, but unfortunately without being able to harmonise, and finally even to co-operate with each other.

Mr. Jefferson's retirement was first in order ; it

was voluntary, but under circumstances of dissatisfaction at the prevalence of the Councils of his rival in the Cabinet—and under irritated prepossessions of a deliberate design, in Hamilton, and of all the leading supporters of Washington's administration, to shape the Government of the United States into a monarchy like that of Great Britain. This exasperated feeling, nourished by the political controversy then blazing in all its fury in the war between France and the monarchies of Europe, gradually became the main spring of the opposition to Washington's administration; an opposition which from that time looked to Jefferson as their leader and head. This opposition, fomented by the unprincipled injustice of both the belligerent European powers, and especially by the abandoned profligacy of the directorial Government of France, continued and increased until in the last year of Washington's administration, a majority if not of the people of the United States, at least of their representatives in Congress, were associated with it. Of that opposition, Mr. Jefferson was the favored candidate for the succession to the Presidency, and by the result of a severely contested election, was placed in the chair of the Senate as Vice President of the United States. This was the effect of a provision in the Constitution, which has since been altered by an amendment. It was one of the new experiments in Government, attempted by the Constitution, and had then been received with an unusual degree of favor, by an anticipated expectation that its operation would



be to mitigate and conciliate party spirit, by causing two persons to be voted for, to fill the same office of President, and by consoling the unsuccessful candidate and his friends with the second office in the Government of the Union. The test of experience soon disabused the fallacious foresight of a benevolent theory, and disclosed springs of human action adverse to the device of placing either a political antagonist or coadjutor of the Chief Magistrate at the head of the Senate, and as contingently his successor.

The principles of the administration of Washington were pursued by his immediate successor. The opposition to them was encouraged and fortified by the position of their leader in the second seat of power; and the Directory of France, wallowing in corruption and venality, was preparing the way for their own destruction at home, and setting up to sale the peace of their country with other nations, and especially with the United States. By their violence and fraud they compelled the Congress to annul the existing Treaties between the United States and France, and without an absolute declaration of war, to authorize defensive hostilities.

In the controversy with France during this period, the executive administration was sustained by a vast majority of the People of the Union, and the elections both of the People and of the State Legislatures, returned decided majorities in both houses of Congress of corresponding opinions and policy. A powerful and inveterate opposition to all the *measures* both of

Congress and of the administration was however constantly maintained with the countenance and co-operation of Mr. Jefferson, whose partialities in favor of France and the French revolution, though not extending to the justification of the secret Intrigues and open hostilities of the Directory, still counteracted the operations of the American Government to resist and defeat them.

The violence and pertinacity of the opposition provoked the ruling majority in Congress to the adoption of two measures which neither the exasperated spirit of the times, nor the deliberate judgment of after days could reconcile to the temper of the people. I allude to the two acts of Congress since generally known by the names of the Alien and Sedition Laws. Of their merits or demerits this is not the time or the place to speak. They passed in Congress without vehement opposition, for Mr. Jefferson, then holding the office of Vice President of the United States, took no acting part against them as the presiding officer of the Senate, and Mr. Madison, at the close of the administration of Washington, had relinquished his seat in the House of Representatives of the Union. Devoted in friendship to the person, and in policy to the views of Mr. Jefferson, he participated with deference in his opinions to an extent which the deliberate convictions of his own judgment sometimes failed to confirm. The alien and sedition acts were intended to suppress the intrigues of foreign emissaries, employed by the profligate Government of the French Directory, and who

abused the freedom of the press by traducing the characters of the Administration and its friends, and by instigating the resistance of the people against the Government and the laws of the Union.

Among the eminent qualities of Mr. Jefferson, was a keen constant, and profound faculty of observation with regard to the action and reaction of the popular opinion upon the measures of government. He perceived immediately the operation of the alien and sedition acts, and he availed himself of them with equal sagacity and ardor for the furtherance of his own views of public policy and of personal advancement. In opposition to the alien and sedition acts, he deemed it advisable to bring into action, so far as it was practicable, the power of the State Legislatures against the Government of the Union. In the pursuit of this system it was his good fortune to obtain the aid and co-operation of Mr. Madison and of other friends equally devoted personally to him, and concurring more fully in his sentiments, then members of the Legislature of Kentucky. Assuming as first principles, that by the Constitution of the United States Congress possessed no authority to restrain in any manner the freedom of the press, not even in self-defence against the most incendiary defamation, and that the principles of the English Common Law were of no force under the Government of the United States he drafted, with his own hand, resolutions which were adopted by the Legislature of Kentucky, declaring that each State had the right to judge for itself as well of infractions of the common

Constitution by the general government, as of the mode and measures of redress—that the alien and sedition laws were, in their opinion, manifest and palpable violations of the Constitution, and therefore null and void—and that a *nullification* by the State Sovereignities of all unauthorized acts done under color of the Constitution, is the rightful remedy for such infractions.

The principles thus assumed, and particularly that of remedial nullification by state authority, have been more than once re-asserted by parties predominating in one or more of the confederated States, dissatisfied with particular acts of the general government. They have twice brought the Union itself to the verge of dissolution. To that result it must come, should it ever be the misfortune of the American People that they should obtain the support of a sufficient portion of them to make them effective by force. They never have yet been so supported. The alien and sedition acts were temporary Statutes, and expired by their own limitations. No attempt has been made to revive them, but in our most recent times, restrictions far more vigorous upon the freedom of the press, of speech and of personal liberty, than the alien and sedition laws, have not only been deemed within the constitutional power of Congress, but even recommended by the Chief Magistrate of the Union, to encounter the dangers and evils of incendiary publications.

The influence of Mr. Jefferson over the mind of

Mr. Madison, was composed of all that genius, talent, experience, splendid public services, exalted reputation, added to congenial tempers, undivided friendship and habitual sympathies of interest and of feeling could inspire. Among the numerous blessings which it was the rare good fortune of Mr. Jefferson's life to enjoy, was that of the uninterrupted, disinterested, and efficient friendship of Madison. But it was the friendship of a mind not inferior in capacity, and tempered with a calmer sensibility and a cooler judgment than his own. With regard to the measures of Washington's administration, from the time when the Councils of Hamilton acquired the ascendancy over those of Jefferson, the opinions of Mr. Madison generally coincided with those of his friend. He had resisted, on Constitutional grounds, the establishment of a National Bank—he had proposed, and with all his ability had urged important modifications of the funding system. He had written and published the papers of Helvidius, and he had originated measures of commercial regulation against Great Britain, instead of which Washington had preferred to institute the pacific and friendly mission of Mr. Jay. He had disapproved of the treaty concluded by that eminent, profound and incorruptible statesman, a measure the most rancorously contested of any of those of Washington's administration, and upon which public opinion has remained divided to this day. Mr. Madison concurred entirely with Mr. Jefferson in the policy of neutrality to the European wars, but with a strong lean-

ing of favor to France and her revolution, which it was then impossible to hold without a leaning approaching to hostility against Great Britain, her policy and her Government. Mr. Madison therefore, at the earnest solicitation of Mr. Jefferson, introduced into the Legislature of Virginia the resolutions adopted on the 21st of December, 1798, declaring 1. That the Constitution of the United States was a compact, to which the States were parties, granting limited powers of Government. 2. That in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the compact, the States had the right to, and were in duty bound to *interpose*, for arresting the progress of the evils and for maintaining within their respective limits the authorities, rights and liberties appertaining to them. 3. That the alien and sedition acts were palpable and alarming in fractions of the Constitution. 4. That the State of Virginia, having by its Convention which ratified the federal Constitution, expressly declared that among other essential rights the liberty of conscience and the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States, and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with the other States recommended an amendment for that purpose, which amendment was in due time annexed to the Constitution, it would mark a reproachful inconsistency and criminal degeneracy if an indifference were now shown to the most palpable violation of one

of the rights thus declared and secured, and to the establishment of a precedent which might be fatal to the other. 5. That the State of Virginia declared the alien and sedition laws **UNCONSTITUTIONAL**—solemnly appealed to the like dispositions in the other States, in confidence that they would concur with her in that declaration, and that the necessary and proper measures would be taken by each, for *co-operating* with her, in maintaining unimpaired the authorities rights and liberties reserved to the States respectively, or to the People. 6. That the Governor should be desired to transmit a copy of these resolutions to the Executive authority of each of the other States, with a request that they should be communicated to the respective State Legislatures, and that a copy should be furnished to each of the Senators and Representatives of Virginia in Congress.

The resolutions did but in part carry into effect the principles and purposes of Mr. Jefferson. His original intention was that the alien and sedition acts should be declared by the State Legislatures, null and void—and that with the declaration that *nullification* by them was the rightful remedy for such usurpations of power by the federal Government, committees of correspondence and co-operation should be appointed by the Legislatures of the States concurring in the resolutions, for consultation with regard to further measures. Before the adoption of the Virginia resolutions, the Legislature of Kentucky had adopted others drafted by Mr. Jefferson himself and introduced by two of

his friends in that body. In those resolutions, the doctrines of nullification by the State Legislatures of acts of Congress, deemed by them unconstitutional, was first explicitly and unequivocally asserted. But even in Kentucky the Legislature was not quite prepared for consultation upon further measures of co-operation by committees of correspondence.

The Virginia Resolutions were transmitted to the other States, with an address to the people in support of them, written by Mr. Madison. They were strongly disapproved by resolutions of all the Legislatures of the New England States, and by those of New York and Delaware. They were not, nor were those of the Legislature of Kentucky concurred in by any other State Legislature of the Union, but they contributed greatly to increase the unpopularity of the measures which they denounced, and sharpened the edge of every weapon wielded against the administration of the time.

At the succeeding sessions of the Legislatures of Kentucky and of Virginia, they took into consideration the answers of the Legislatures of other States to their resolutions of 1798. The reply of Kentucky was in the form of a resolution re-asserting the right of the separate States to judge of infractions, by the Government of the Union, of the Constitution of the United States, and expressly affirming that a *nullification* by the State Sovereignities of all unauthorized acts done under color of that instrument, was the rightful remedy ; and complaining of the doctrines



and principles attempted to be maintained in *all* the answers, that of Virginia only excepted.

In the Legislature of Virginia, a long, most able and elaborate report was written by Mr. Madison, in reply to the answers received from the other States, and concluded with the following resolution :

"That the General Assembly, having carefully and respectfully attended to the proceedings of a number of the States, in answer to the resolutions of December 21, 1798, and having accurately and fully re-examined and re-considered the latter, find it to be their indispensable duty to *adhere to the same*, as founded in truth, as consonant with the Constitution, and as conducive to its preservation ; and more especially to be their duty to renew as they do hereby renew their protest against the alien and sedition acts, as palpable and alarming infractions of the Constitution."

The report and resolution were adopted by the Legislature in February, 1800. The alien law expired by its own limitation, on the 25th of June of that year, and the sedition act on the 4th of March, 1801.

The proceedings of the Legislatures of Kentucky and Virginia relating to the alien and sedition acts, gave to them an importance far beyond that which naturally belonged to them. The acts themselves, and the resolutions of the Legislatures concerning them, may now be considered merely as adversary *party* measures.

The agency of Mr. Jefferson in originating the

measures of both the State Legislatures was at the time profoundly secret. It has been made known only since his decease, but in estimating the weight of the objections against the two laws on sound principles as well of morals as of politics, the fact as well as the manner of that agency are observable. The situation which he then held, and that to which he ascended by its operation, are considerations not to be overlooked in fixing the deliberate judgment of posterity upon the whole transaction. Mr. Madison's motives for the part which he acted in the drama, are not liable to the same scrutiny ; nor did his public station at the time, nor the principles which he asserted in the management of the controversy, nor the measures which he proposed, recommended and accomplished, subject his posthumous reputation and character to the same animadversions. Standing here as the sincere and faithful organ of the sentiments of my fellow citizens to honor a great and illustrious benefactor of his country, it would be as foreign from the honest and deliberate judgment of my soul as from the sense of my duties on this occasion to profess my assent to the reasoning of his report, or my acquiescence in the application of its unquestionable principles to the two acts of Congressional legislation which it arraigns. That because the *States* of this Union, as well as their people, are parties to the Constitutional compact of the federal Government, therefore the State Legislatures have the right to judge of infractions of the Constitution by the organized Government of the whole, and

to declare acts of Congress unconstitutional, is as abhorrent to the conclusions of my judgment as to the feelings of my heart—but holding the converse of those propositions with a conviction as firm as an article of religious faith, I too clearly see to admit of denial, that minds of the highest order of intellect, and hearts of the purest integrity of purpose, have been brought to different conclusions. If Jefferson and Madison deemed the alien and sedition acts plain and palpable infractions of the Constitution, Washington and Patrick Henry held them to be good and wholesome laws. These opinions were perhaps all formed under excitements and prepossessions which detract from the weight of the highest authority. The alien act was passed under feelings of honest indignation at the audacity with which foreign emissaries were practising within the bosom of the country upon the passions of the people against their own Government. The sedition act was intended as a curb upon the publication of malicious and incendiary slander upon the President or the two Houses of Congress, or either of them. But they were restrictive upon the personal liberty of foreign emissaries, and upon the political licentiousness of the press. The alien act produced its effect by its mere enactment, in the departure from the country of the most obnoxious foreigners, and the power conferred by it upon the President was never exercised. The prosecutions under the sedition act did but aggravate the evil which they were intended to repress. Without believing

that either of those laws was an infraction of the Constitution, it may be admitted without disparagement to the authority of Washington and Henry, or of the Congress which passed the acts, that they were not good and wholesome laws, inasmuch as they were not suited to the temper of the people.

Emergencies may arise in which the authority of Congress will be invoked by the portion of the people most aggrieved by the alien and sedition acts, for arbitrary expulsion of foreign incendiaries, and for the suppression of incendiary publications at home, by measures far more rigorous and more palpably violative of the Constitution than those laws, and if the temper of that portion of the people which approved *them*, shall be, as it has recently been, and perhaps still is, attuned to endure the experiment, the Constitutional authority of Congress will be found amply sufficient for the enactment of statutes far more sharp and biting than they were. The question with regard to the constitutionality of those laws is however far different from that of the manner in which they were resisted. In that originated the doctrine of *nullification*.

In this respect there appears to have been a very material difference between the opinions and purposes of Mr. Jefferson and Mr. Madison. Concurring in the doctrine that the separate States have the right to *interpose*, in case of palpable infractions of the Constitution by the Government of the United States, and that the alien and sedition acts presented a case of such infraction, Mr. Jefferson considered them as ab-

solutely null and void, and thought the State Legislatures competent not only to declare, but to *make* them so ; to resist their execution within their respective borders by physical force ; and to secede and separate from the Union, rather than submit to them, if attempted to be carried into execution by force. To these doctrines Mr. Madison did not subscribe. He disclaimed them in the most explicit manner, at a very late period of his life, and in his last and most matured sentiments with regard to those laws, he considered them rather as unadvised acts, passed in contravention to the opinions and feelings of the community, than as more unconstitutional than many other acts of Congress which have generally accorded with the views of a majority of the States and of the people.

Upon the change of the administration by the election of Mr. Jefferson as President of the United States in 1801, a new career was opened to the talents and wisdom of his friend, who thenceforth became his first assistant and his most confidential adviser in the administration of the Government.

That administration was destined to pass through ordeals scarcely less severe than those which had tested the efficiency of the Constitution of the United States under the Presidency of his predecessors.

By a singular concurrence of good fortune, Mr. Jefferson was immediately after his accession relieved from the pressure of all the important difficulties and menacing dangers which had so heavily weighed upon the administration of both his predecessors. The dif-

ferences between them both and the United States, which had during the twelve years of those administrations kept the nation without intermission in the most imminent dangers of war, first with Great Britain, and afterwards with France, had all been adjusted by Treaties with both those nations. The revolutionary violence of Republican France had already subsided into a military Government. Still retaining the name of a republic, but rapidly ripening into a hereditary monarchy. The wars in Europe themselves were about to cease, for a short period indeed, and soon to blaze out with renewed and aggravated fury, but upon questions of mere conquest and aggrandizement between the belligerent powers. In the same year with the inauguration of Mr. Jefferson, the peace of Amiens had replaced France at the head of continental Europe, leaving Great Britain in the uncontested, if not undisputed dominion of the sea.

The expenditures for the army and navy, already much reduced by the reduction of the former to a small peace establishment, admitted of further retrenchments, and the very questionable policy of reducing also the latter, allowed a corresponding reduction of taxation, which gave the new administration the popular attraction of professed retrenchment and reform. For the naval armaments which the sharp collisions with both the belligerent nations had rendered necessary, although they had nobly sustained the glory of valor and skill upon the ocean acquired during the revolutionary war, and were destined to

deeds of yet more exalted fame in the administration of his successor, had necessarily occasioned heavy expense—had been among the measures most severely censured by Mr. Jefferson, and were among his most favorite objects of reform. Reformed they accordingly were, and dry-docks and gun-boats became for a time the cheap defences of the nation. The gallant spirit of the navy was itself discountenanced and discouraged, till a Tripolitan Cruiser, captured after a desperate battle, was not even taken into possession, upon a scruple of the victor's instructions whether self-defence could give a right to the fruits of victory, without a declaration of war by Congress.

The reduction of the navy, while it lasted, deeply injurious both to the honor and the interests of the nation, gave however to the incipient administration the credit of reduced expenditures, retrenchment and reform: such was its first effect at home. Abroad its first fruit was the contempt of the Barbary powers—insult, outrage and war—a new armament, and new taxation under the denomination of a Mediterranean fund, took the place of retrenchment; and when the smothered flames of war burst forth anew between France and Britain, the impressment of our seamen, Orders in Council, Paper Blockades, Decrees of Berlin, of Milan, of Rambouillet, and finally the murder of our mariners within our own waters, and the wanton and savage attack upon the frigate Chesapeake, proved in the degradation of our national reputation, and in the cowering of that undaunted spirit which

rides upon the mountain wave, the short-sightedness of that policy, which trusted to gun-boats and dry-docks for the defence of the country upon the world of waters, and which had crippled the naval arm, and tamed the gallant spirit of the Union, for the glory of retrenchment and reform.

On the other hand, the renewal of the European war, and the partialities of Mr. Jefferson in favor of France, enabled him to accomplish an object which greatly enlarged the territories of the Union—which removed a most formidable source of future dissensions with France—which exceedingly strengthened the relative influence and power of the State and section of the Union, to which he himself belonged, and which in its consequences changed the character of the Confederacy itself. This operation, by far the greatest that has been accomplished by any administration under the Constitution was consummated at the price of fifteen millions of dollars in money, and of a direct, unqualified, admitted violation of the Constitution of the United States. According to the theory of Mr. Jefferson, as applied by him to the alien and sedition acts, it was absolutely null and void. It might have been nullified by the Legislature of any one State in the Union, and if persisted in, would have warranted and justified a combination of States, and their secession from the confederacy in resistance against it.

That an amendment to the Constitution was necessary to legalize the annexation of Louisiana to the



Union, was the opinion both of Mr. Jefferson and of Mr. Madison. They finally acquiesced however in the latitudinous construction of that instrument, which holds the treaty-making powers, together with an act of Congress, sufficient for this operation. It was accordingly thus consummated by Mr. Jefferson, and has been sanctioned by the acquiescence of the people. Upwards of thirty years have passed away since this great change was effected. By a subsequent Treaty with Spain, by virtue of the same powers and authority, the Floridas have been annexed also to the Union, and the boundaries of the United States have been extended from the Mississippi to the Pacific ocean. There is now nothing in the Constitution of the United States to inhibit their extension to the two polar circles from the Straits of Hudson to the Straits of Magellan. Whether this very capacity of enlargement of territory and multiplication of States by the constructive power of Congress, without check or control either by the States or by their people, will not finally terminate in the dissolution of the Union itself, time alone can determine. The credit of the acquisition of Louisiana, whether to be considered as a source of good or of evil, is perhaps due to Robert R. Livingston more than to any other man, but the merit of its accomplishment must ever remain as the great and imperishable memorial of the administration of Jefferson.

In the interval between the Peace of Amiens, and the renewal of the wars of France with the rest of

Europe, the grasping spirit and gigantic genius of Napoleon had been revolving projects of personal aggrandizement and of national ambition of which this western hemisphere was to be the scene. He had extorted from the languishing and nerveless dynasty of the Bourbons in Spain the retrocession of the province of Louisiana, with a description of boundary sufficiently indefinite, to raise questions of limits whenever it might suit his purpose to settle them by the intimation of his will. Here it had been his purpose to establish a military Colony, with the Mexican dominions of Spain on one side, and the United States of America and the continental colonies of Great Britain on the other, in the centre of the western hemisphere, the stand for a lever to wield at his pleasure the destinies of the world. This plan was discomposed by a petty squabble with Great Britain about the Island of Malta; and a project wilder if possible than his military Colony of Louisiana—namely the Cæsar-ian operation of conquering the British Islands themselves by direct invasion. The transfer of Louisiana had been stipulated by a secret treaty, but possession had not been taken. Mr. Livingston was then the Minister of the United States in France. He had been made acquainted with the existence of the Treaty of retrocession of Louisiana, and by a memorial of great ability, had expostulated against it, urging as scarcely less essential to the interests of France than of the United States, that the Province should be ceded to them. This memorial when presented had

met with little attention from Napoleon. His military Colony of twenty thousand men was on the point of embarkation, under the command of one of his Lieutenants, destined himself in after time to wear the crown of Gustavus-Adolphus, when the Iron Crown of Lombardy and the imperial crown of France, after encircling the brows of Napoleon, should have melted before the leaden sceptre of the restored Bourbons. Napoleon was to rise to the summit of human greatness, and to fall from it over another precipice, than that to which he was approaching with his military colony of Louisiana. When he determined to renew the war with England, still mistress of the seas, he could no longer risk the fortunes of his soldiers in a passage across the Atlantic, and unable as he was to cope with the thunders of Britain upon the ocean, he saw that Louisiana itself, if he should take possession of the Province, must inevitably fall an easy prey to the enemy with whom he was to contend. He therefore abandoned his project of conquests in America, and determined at once to sell his Colony of Louisiana to the United States.

Never in the fortunes of mankind was there a more sudden, complete and propitious turn in the tide of events than this change in the purposes of Napoleon proved to the administration of Mr. Jefferson. The wrangling altercation with Spain for the navigation of the Mississippi, had been adjusted during the administration of Washington, by a treaty, which had conceded to them the right, and stipulated to make its

enjoyment effective, of deposit at New Orleans. In repurchasing from Spain the Colony of Louisiana, Napoleon, to disencumber himself from the burden of this stipulation, and to hold in his hand a rod over the western section of this Union, had compelled the dastardly and imbecile monarch of Spain to commit an act of perfidy, by withdrawing from the people of the United States this stipulated right of deposit before delivering the possession of the Colony to France. The great artery of the commerce of the Union was thus choked in its circulation. The sentiment of surprise, of alarm, of indignation, was instantaneous and universal among the people. The hardy and enterprising settlers of the western country could hardly be restrained from pouring down the swelling floods of their population, to take possession of New Orleans itself, by the immediate exercise of the rights of war. A war with Spain must have been immediately followed by a war with France, which, however just the cause of the United States would have been, must necessarily give a direction to public affairs adverse to the whole system of Mr. Jefferson's policy, and in all probability prove fatal to the success of his administration. Instigations to immediate war, were at once attempted in Congress, and were strongly countenanced by the excited temper of the people. Mr. Jefferson instituted an extraordinary mission both to France and Spain, to remonstrate against the withdrawal of the right of deposit, and to propose anew the purchase of the Island of New Orleans. By one

of those coincidences in the course of human events, too rare to be numbered among the ordinary dispensations of Providence ; too common to be accountable upon the doctrine of unregulated chance, when Mr. Jefferson's minister arrived at the seat of his first destination, his charge, and much more than his charge, was already performed. Napoleon had resolved to sell to the United States the whole of Louisiana, and Great Britain, under the influence of fears and jealousies of him, even deeper than those with which she pined at every prosperity of her alienated child, had declared her acquiescence in the transfer. The American negociators without hesitation transcended their powers, to obtain all Louisiana instead of Florida. Claims of indemnity to the citizens of the United States, for wrongs suffered from the preceding revolutionary Governments of France, were provided for by a separate Convention, and paid for with part of the purchase money for the Province, and the whole remnant of the fifteen millions was, in the midst of a raging war, with the knowledge and assent of the British Government, furnished by English Bankers to be expended in preparations for the conquest of England by invasion.

It will be no detraction from the merits or services of Mr. Jefferson, or of his Secretary of State, to acknowledge that in all this transaction Fortune claims to herself the lion's share. To seize and turn to profit the precise instant of the turning tide, is itself among the eminent properties of a Statesman,

and if requiring less elevated virtue than the firmness and prudence that withstand adversity, or the moderation which adorns and dignifies prosperity, it is not less essential to the character of an accomplished ruler of men.

But Napoleon had transferred the acquisition which he had wrenched from the nerveless hand of Spain with its indefinite and equivocal boundary. He had also violated his faith, pledged to Spain when he took back the Province, once the Colony of France, that he would never cede it to the United States. Spain immediately complained, remonstrated, protested against the cession, the just reward of her own perfidy, in withdrawing the stipulated right of deposit at New Orleans ; and although Napoleon soon silenced her complaints, and constrained her to withdraw her protest against the cession, yet on the question of boundary, he had contracted his province of Louisiana almost within the dimensions of the Island of New Orleans. Negotiations with Spain and France, soon complicated with the sharper collisions of neutral and belligerent rights, and with the war of extermination between France and Britain, called for all the talents and all the energies of the President, and of his friend and Minister in the Department of State. The discussions respecting the boundaries of Louisiana were soon brought to a close. Spain contested the claims of the United States, both east and west of the Mississippi. The United States, after an ineffectual attempt to obtain the Floridas from Spain, agreed to

leave both the questions of boundary to the decision of France, and Napoleon instantly decided it on both sides of the Mississippi against them.

In the first wars of the French revolution Great Britain had begun by straining the claim of belligerent, as against neutral rights, beyond all the theories of international jurisprudence, and even beyond her own ordinary practice. There is in all war a conflict between the belligerent and the neutral right, which can in its nature be settled only by convention. And in addition to all the ordinary asperities of dissension between the nation at war and the nation at peace, she had asserted a right of man-stealing from the vessels of the United States. The claim of right was to take by force all sea-faring men, her own subjects, wherever they were found by her naval officers, to serve their king in his wars. And under color of this tyrant's right, her naval officers, down to the most beardless Midshipman, actually took from the American merchant vessels which they visited, any seaman whom they chose to take for a British subject. After the Treaty of November, 1794, she had relaxed all her pretensions against the neutral rights, and had gradually abandoned the practice of impressment till she was on the point of renouncing it by a formal Treaty stipulation. At the renewal of the war, after the Peace of Amiens, it was at first urged with much respect for the rights of neutrality, but the practice of impressment was soon renewed with aggravated severity, and the commerce of neutral nations with

the Colonies of the adverse belligerent was wholly interdicted on the pretence of justification, because it had been forbidden by the enemy herself in the time of peace. This pretension had been first raised by Great Britain in the seven years' war, but she had been overawed by the armed neutrality from maintaining it in the war of the American revolution. In the midst of this war with Napoleon, she suddenly reasserted the principle, and by a secret order in Council, swept the ocean of nearly the whole mass of neutral commerce. Her war with France spread itself all over Europe, successively involving Spain, Italy, the Netherlands, Prussia, Austria, Russia, Denmark and Sweden. Not a single neutral power remained in Europe—and Great Britain, after annihilating at Trafalgar the united naval power of France and Spain, ruling thenceforth with undisputed dominion upon the ocean, conceived the project of engrossing even the commerce with her enemy by intercepting all neutral navigation. These measures were met by corresponding acts of violence, and sophistical principles of National Law, promulgated by Napoleon, rising to the summit of his greatness, and preparing his downfall by the abuse of his elevation. Through this fiery ordeal the administration of Mr. Jefferson was to pass, and the severest of its tests were to be applied to Mr. Madison. His correspondence with the ministers of Great Britain, France and Spain, and with the ministers of the United States to those nations during the remainder of Mr. Jefferson's



administration, constitute the most important and most valuable materials of its history. His examination of the British doctrines relating to neutral trade, will hereafter be considered a standard Treatise on the Law of Nations ; not inferior to the works of any writer upon those subjects since the days of Grotius, and every way worthy of the author of Publius and Helvidius. There is indeed, in all the diplomatic papers of American Statesmen, justly celebrated as they have been, nothing superior to this Dissertation, which was not strictly official. It was composed amidst the duties of the Department of State, never more arduous than at that time—in the summer of 1806. It was published unofficially, and a copy of it was laid on the table of each member of Congress at the commencement of the session in December, 1806.

The controversies of conflicting neutral and belligerent rights, continued through the whole of Mr. Jefferson's administration, during the latter part of which they were verging rapidly to war. He had carried the policy of peace perhaps to an extreme. His system of defence by commercial restrictions, dry-docks, gun-boats and embargoes, was stretched to its last hair's breadth of endurance. Far be it from me, my fellow citizens, to speak of this system or of its motives with disrespect. If there be a duty, binding in chains more adamant than all the rest the conscience of a Chief Magistrate of this Union, it is that of preserving peace with all mankind—peace with the other nations of the earth—peace among the several

States of this Union—peace in the hearts and temper of our own people. Yet must a President of the United States never cease to feel that his charge is to maintain the rights, the interests and the honor no less than the peace of his country—nor will he be permitted to forget that peace must be the offspring of two concurring wills. That to seek peace is not always to ensure it. He must remember too, that a reliance upon the operation of measures, from their effect on the *interests*, however clear and unequivocal of nations, cannot be safe against a counter current of their passions. That nations, like individuals, sacrifice their peace to their pride, to their hatred, to their envy, to their jealousy, and even to the craft, which the cunning of hackneyed politicians not unfrequently mistakes for policy. That nations, like individuals, have sometimes the misfortune of losing their senses, and that lunatic communities, which cannot be confined in hospitals, must be resisted in arms, as a single maniac is sometimes restored to reason by the scourge. That national madness is infectious, and that a paroxysm of it in one people, especially when generated by the Furies that preside over war, produces a counter paroxysm in their adverse party. Such is the melancholy condition as yet of associated man. And while in the wise but mysterious dispensations of an overruling Providence, man shall so continue, the peace of every nation must depend not alone upon its own will, but upon that concurrently with the will of all others.

And such was the condition of the two mightiest

nations of the earth during the administration of Mr. Jefferson. Frantic, in fits of mutual hatred, envy and jealousy against each other; meditating mutual invasion and conquest, and forcing the other nations of the four quarters of the globe to the alternative of joining them as allies or encountering them as foes. Mr. Jefferson met them with moral philosophy and commercial restrictions, with dry-docks and gun-boats—with non-intercourses, and embargoes, till the American nation were told that they could not be kicked into a war, and till they were taunted by a British Statesman in the Imperial Parliament of England, with their five fir frigates and their striped bunting.

Mr. Jefferson pursued his policy of peace till it brought the nation to the borders of internal war. An embargo of fourteen months duration was at last reluctantly abandoned by him, when it had ceased to be obeyed by the people, and State Courts were ready to pronounce it unconstitutional. A non-intercourse was then substituted in its place, and the helm of State passed from the hands of Mr. Jefferson to those of Mr. Madison, precisely at the moment of this perturbation of earth and sea threatened with war from abroad and at home, but with the principle definitively settled that in our intercourse with foreign nations, reason, justice and commercial restrictions require live oak hearts and iron or brazen mouths to speak, that they may be distinctly heard, or attentively listened to, by the distant ear of foreigners, whether French or British, monarchical or republican.

The administration of Mr. Madison was with regard to its most essential principles, a continuation of that of Mr. Jefferson. He too was the friend of peace, and earnestly desirous of maintaining it. As a last resource for the preservation of it, an act of Congress prohibited all commercial intercourse with both belligerents, the prohibition to be withdrawn from either or both in the event of a repeal by either of the orders and decrees in violation of neutral rights. France ungraciously and equivocally withdrew her's. Britain refused, hesitated, and at last conditionally withdrew her's when it was too late—after a formal declaration of war had been issued by Congress at the recommendation of President Madison himself.

Of the necessity, the policy or even the justice of this war, there are conflicting opinions, not yet, perhaps never to be, harmonized. This is not the time or the place to discuss them. The passions, the prejudices and the partialities of that day have passed away. That it was emphatically a popular war, having reference to the whole people of the United States, will, I think, not be denied. That it was in a high degree unpopular in our own section of the Union, is no doubt equally true; and that it was so, constituted the greatest difficulties and prepared the most mortifying disasters in its prosecution.

The war itself was an ordeal through which the Constitution of the United States, as the Government of a great nation, was to pass. Its trial in that respect was short but severe. In the intention of its founders,

and particularly of Mr. Madison, it was a constitution essentially pacific in its character, and for a nation above all others, the lover of peace—yet its great and most vigorous energies, and all its most formidable powers, are reserved for the state of war—and war is the condition in which the functions allotted to the separate States sink into impotence compared with those of the general Government.

The war was brought to a close without any definitive adjustment of the controverted principles in which it had originated. It left the questions of neutral commerce with an enemy and his colonies, of bottom and cargo, of blockade and contraband of war, and even of impressment, precisely as they had been before the war. With the European war all the conflicts between belligerent and neutral rights had ceased. Great Britain, triumphant as she was after a struggle of more than twenty year's duration—against revolutionary, republican and imperial France, was in no temper to yield the principles for which in the heat of her contest she had defied the power of neutrality and the voice of justice. As little were the Government or people of the United States disposed to yield principles, upon which, if there had been any error in their previous intercourse with the belligerent powers it was that of faltering for the preservation of peace, in the defence of the rights of neutrality, and of conceding too much to the lawless pretensions of naval war.

The extreme solicitude of the American Govern-

ment for the perpetuity of peace, especially with Great Britain, induced Mr. Madison to institute with her negotiations after the peace of Ghent, for the adjustment of all these questions of maritime collisions between the warlike and the pacific nation. The claims of neutral right are all founded upon the precepts of Christianity and the natural rights of man. The warring party's claim is founded upon the immemorial usages of war, untempered and unmitigated by the chastening spirit of Christianity. They all rest upon the right of force—or upon what has been termed the ultimate argument of Kings. But since the whole Island of Albion has been united under one Government, her foreign wars have necessarily all been upon or beyond the seas. Her consolidation and her freedom have made her the first of Maritime States, and the first of humane, learned, intelligent, but warlike nations of modern days. At home, she is generous, beneficent, tender-hearted, and above all proud of her liberty and loyalty united as in one. Free as the air upon her mountains, she tyrannizes over one class of her people, and that the very class upon which she depends for the support of her freedom. She proclaims that the foot, be it of a slave, by alighting on her soil, emancipates the man; and as if it were the exclusive right of her soil, the foot of her own mariner, by passing from it upon the deck of a ship, slips into the fetters of a slave. There is no writ of Habeas Corpus for a British sailor. The stimulant to his love of his king and country is the Press Gang.

This glaring inconsistency with the first principles of the British Constitution, is justified on the plea of necessity, which being above all law, claims equal exemption from responsibility to the tribunal of reason. The efforts of Mr. Madison and of his successors to obtain an amicable adjustment of this great source of hostility between the kindred nations have hitherto proved equally unavailing. One short interval has occurred since the peace, during which a war broke out between France and Spain, to which Britain was neutral, and the views of her ruling Statesmen were then favorable to the rights of neutrality. Had that war been of longer continuance, the prospects of a mitigation of the customs of maritime warfare might have been more propitious ; but we can now only indulge the hope that the glory of extinguishing the flames of war by land and sea is reserved for the future destinies of our confederated land.

The peace with Great Britain was succeeded by a short war with Algiers, in which the first example was set of a peace with that piratical power purchased by chastisement substituted for tribute—and which set the last seal to the policy of maintaining the rights and interests of the United States by a permanent naval force.

The revolutions in Spain, and in her Colonies of this hemisphere, complicated with questions of disputed boundaries, and with claims of indemnity for depredations upon our commerce, formed subjects for important negotiations during the war with Great Brit-

ain, and after its close. Never, since the institution of civil society, have there been within so short a time so many assumptions of sovereign powers. The crown of Spain was abdicated by Charles the Fourth, and then by his son Ferdinand, while a prisoner to Napoleon, at Bayonne, transferred to the house of Bonaparte, as the kingdom of Naples had been by conquest before. In Germany, the dissolution of the German empire had generated a kingdom of Westphalia, and converted into kingdoms the electorates of Saxony, of Bavaria, of Wurtemberg and of Hanover. The kingdom of Portugal had been overshadowed by an empire of Brazil, and every petty province of Spain in this hemisphere, down to the Floridas and Amelia Island, constituted themselves into sovereign States, unfurled their flags and claimed their seats among the potentates of the earth. Under these circumstances, it became often a question of great delicacy, who should be recognised as such, and with whom an exchange of diplomatic functionaries should be made. There was, during Mr. Madison's administration, a period during which war was waged in Spain for the restoration of a Prince who had himself renounced his throne. A regency acting in his name was recognized by Great Britain, under whose auspices he was finally restored. Napoleon had given the crown of Spain, wrested by fraud and violence from the Bourbons, to his brother, who was recognized as king of Spain by all the continental powers of Europe, and it was in the conflict between these two usurpers,



that the transatlantic Colonies of Spain in this hemisphere, disclaiming allegiance to either of the contending parties, asserted their own rights as independent communities. Mr. Madison believed it to be the duty and the policy of the United States, while the *fact* remained to be decided by the issue of war, to withhold the acknowledgment of sovereign power alike from them all. The reception of a minister appointed by the regency of Spain, was therefore delayed, until he was commissioned by Ferdinand himself after his restoration, and the total expulsion of his rival Joseph Bonaparte. But most of the American Colonies of Spain, released from their bounds of subjection to a European king, by the first dethronement and abdication of Charles the Fourth, refused ever after all submission to the monarchs of Spain, and those on the American Continents which submitted for a time shortly after, declared and have maintained their Independence, yet however unacknowledged by Spain. No general union of the several Colonies of Spain, analogous to that of the British Colonies in these United States, has been or is ever likely to be established. The several Vice Royalties have in their dissolution, melted into masses of confederated or consolidated Governments. They have been ravaged by incessant internal dissensions and civil war. As they attempt to unite in one, or as they separate into parts, new States present themselves, claiming the prerogatives of sovereignty, and the powers of Independent nations. The European kingdoms of France, Spain,

Portugal, the Netherlands and Greece have been in the same convulsionary State with contending claims of sovereign power, so that the question of *recognition*, in almost numberless cases, and under a multitude of forms has been before the Government of the United States for decision.

The act of recognition, being an execution of the laws of nations, is an attribute of executive power, and has therefore been invariably performed under the present Constitution of the United States by their President. Mr. Madison withheld this recognition from the minister of the Spanish Regency, but yielded it to the same person, when commissioned by Ferdinand. He left to his successors the obligation of withholding and of conceding the acknowledgment, as the duties of this nation might from time to time forbid or enjoin; and a question of the deepest interest, under circumstances pregnant with unparalleled consequences, is while I speak under the consideration, and subject to the decision of the President of the United States.

The severest trials of our country induced by the war with Great Britain were endured by the disorder of the national finances. The revenues of the Union until then had consisted almost exclusively in the proceeds of taxation by impost on imported merchandize. Excises, land taxes, and taxes upon stamps were resorted to during the war, but were always found more burdensome and less acceptable to the people. It is, however, a disadvantage, perhaps counterbalanced by

consequences more permanently beneficial in our political system, that the revenue from impost, more easily collected and more productive than any other in time of peace, must necessarily fail, almost entirely, in war with a nation of superior maritime force. Our admirable system of settlement and disposal of the public lands had been long established, but was at that time and for many years since little known by its fruits. It is doubtful whether until the last year the proceeds of the sales have been sufficient to defray the cost of the purchase, and the expenses of management. The prices at which they are sold have been reduced, while the wages of labor have risen, till the purchaser for settlement receives them upon terms nearly gratuitous. They are now an inestimable source of a copious revenue, and if honestly and carefully managed for the people to whom they belong, may hereafter alleviate the burden of taxation in all its forms. But when the war with Great Britain was declared in 1812, the population of this Union was less than one half its numbers at the present day. It increases now at the average rate of half a million of souls every year. For this state of unexampled prosperity a tribute of gratitude and applause is due to the administration of Madison, for the wise and conciliatory policy upon which it was conducted from the close of the war, until the end of his second Presidential term, in March 1817, when he voluntarily retired from public life.

From that day, for a period advancing upon its

twentieth year, he lived in a happy retirement ; in the bosom of a family, and with a partner for life alike adapted to the repose and comfort of domestic privacy, as she had been to adorn and dignify the highest of public stations. Between the occupations of agriculture, the amusements of literature, and the exercise of beneficence, the cultivation of the soil, of the mind and of the heart, the leisure of his latter days was divided. In 1829, a Convention was held in Virginia for the revisal of the Constitution of the Commonwealth, in which transaction the people of the State again enjoyed the benefit of his long experience and his calm and conciliatory counsels. The unanimous sense of that body would have deferred to him the honor of presiding over their deliberations, but the infirmities of age had already so far encroached upon the vigor of his constitution, that he declined in the most delicate manner the nomination, by proposing himself the election of his friend and successor to the Chief Magistracy of the Union, James Monroe. He was accordingly chosen without any other nomination, but was afterwards himself so severely indisposed, that he was compelled to resign both the Presidency and his seat in the Convention before they had concluded their labors.

On one occasion of deep interest to the people of the State, on the question of the ratio of representation in the two branches of the Legislature, Mr. Madison took an active part, and made a speech the substance of which has been preserved.

“Such in those moments as in all the past.”

This speech is so perfectly characteristic of the man, that it might itself be considered as an epitome of his life. Though delivered upon a question, which in a discussion upon a Constitution of this Commonwealth could not even be raised, it was upon a subject which probed to the deepest foundations the institution of civil society. It was upon the condition of the colored population of the Commonwealth, and upon their relations as persons and as property to the State. Every part of the speech is full of the spirit which animated him through life. Nor can I resist the temptation to repeat a few short passages from it, which may serve as samples of the whole.

“It is sufficiently obvious, said Mr. Madison, that persons and property are the two great objects on which Governments are to act ; that the rights of persons and the rights of property are the objects for the protection of which Government was instituted. These rights cannot well be separated. The personal right to acquire property, which is a natural right, gives to property when acquired, a right to protection, as a social right.”

“It is due to justice ; due to humanity ; due to truth ; to the sympathies of our nature in fine, to our character as a people, both abroad and at home ; that the colored part of our population should be considered, as much as possible, in the light of human beings, and not as mere property. As such, they are acted upon by our laws, and have an interest in our laws.”

"In framing a Constitution, great difficulties are necessarily to be overcome; and nothing can ever overcome them but a spirit of compromise. Other nations are surprised at nothing so much as our having been able to form constitutions in the manner which has been exemplified in this country. Even the union of so many States, is, in the eyes of the world, a wonder; the harmonious establishment of a common Government over them all, a miracle. I cannot but flatter myself that without a miracle, we shall be able to arrange all difficulties. I never have despaired, notwithstanding all the threatening appearances we have passed through. I have now more than a hope—a consoling confidence—that we shall at last find that our labors have not been in vain."

Mr. Madison was associated with his friend Jefferson in the institution of the University of Virginia, and after his decease was placed at its head, under the modest and unassuming title of Rector. He was also the President of an Agricultural Society in the county of his residence, and in that capacity delivered an address, which the practical farmer and the classical scholar may read with equal profit and delight.

In the midst of these occupations the declining days of the Philosopher, the Statesman, and the Patriot were past, until the 28th day of June last, the anniversary of the day on which the ratification of the Convention of Virginia in 1788 had affixed the seal of James Madison as the father of the Constitution of the United States, when his earthly part sunk without

a struggle into the grave, and a spirit bright as the seraphim that surround the throne of omnipotence, ascended to the bosom of his God.

This Constitution, my countrymen, is the great result of the North American revolution. This is the giant stride in the improvement of the condition of the human race, consummated in a period of less than one hundred years. Of the signers of the address to George the Third in the Congress of 1774—of the signers of the Declaration of Independence in 1776—of the signers of the Articles of Confederation in 1781, and of the signers of the federal and national Constitution of Government under which we live, with enjoyments never before allotted to man, not one remains in the land of the living. The last survivor of them all was he to honor whose memory we are here assembled at once with mourning and with joy. We reverse the order of sentiment and reflection of the ancient Persian king—we look *back* on the century gone by—we look around with anxious and eager eye for *one* of that illustrious host of Patriots and heroes, under whose guidance the revolution of American Independence was begun, and continued and completed. We look around in vain. To them this crowded theatre, full of human life, in all its stages of existence, full of the glowing exultation of youth, of the steady maturity of manhood, the sparkling eyes of beauty, and the grey hairs of reverend age—all this to them is as the solitude of the sepulchre. We think of this and say, how short is

human life! But then, *then*, we turn back our thoughts again, to the scene over which the falling curtain has but now closed upon the drama of the day. From the saddening thought that they are no more, we call for comfort upon the memory of what they *were*, and our hearts leap for joy, that they were our fathers. We see them, true and faithful subjects of their sovereign, first meeting with firm but respectful remonstrance, the approach of usurpation upon their rights. We see them, fearless in their fortitude, and confident in the righteousness of their cause, bid defiance to the arm of power, and declare themselves Independent States. We see them, waging for seven years a war of desolation and of glory, in most unequal contest with their own unnatural step-mother, the mistress of the seas, till under the sign manual of their king, their Independence was acknowledged—and last and best of all, we see them, toiling in war and in peace to form and perpetuate an union, under forms of Government intricately but skilfully adjusted so as to secure to themselves and their posterity the priceless blessings of inseparable liberty and law.

Their days on earth are ended, and yet their century has not passed away. *Their* portion of the blessings which they thus labored to secure, they have enjoyed, and transmitted to *us*, their posterity. We enjoy them as an inheritance—won, not by our toils—watered, not with our tears—saddened, not by the shedding of any blood of ours. The gift of heaven through their sufferings and their achievements—but



not without a charge of corresponding duty incumbent upon ourselves.

And what, my friends and fellow citizens—what is that duty of our own? Is it to remonstrate to the adder's ear of a king beyond the Atlantic wave, and claim from him the restoration of violated rights? No. Is it to sever the ties of kindred and of blood with the people from whom we sprang? To cast away the precious name of Britons, and be no more the countrymen of Shakspeare and Milton—of Newton and Locke—of Chatham and Burke? Or more and worse, is it to meet *their* countrymen in the deadly conflict of a seven years' war? No. Is it the last and greatest of the duties fulfilled by them? Is it to lay the foundations of the fairest Government and the mightiest nation that ever floated on the tide of time? No! These awful and solemn duties were allotted to them; and by them they were faithfully performed. What then is our duty?

Is it not to preserve, to cherish, to *improve* the inheritance which they have left us—won by their toils—watered by their tears—saddened but fertilized by their blood? Are we the sons of worthy sires, and in the onward march of time have they achieved in the career of human improvement so much, only that our posterity and theirs may blush for the contrast between their unexampled energies and our nerveless impotence? between their more than Herculean labors and our indolent repose? No, my fellow citizens, far be from us; far be from you, for he who

now addresses you has but a few short days before he shall be called to join the multitude of ages past—far be from you the reproach or the suspicion of such a degrading contrast. You too have the solemn duty to perform, of improving the condition of your species, by improving your own. Not in the great and strong wind of a revolution, which rent the mountains and brake in pieces the rocks before the Lord—for the Lord is not in the wind—not in the earthquake of a revolutionary war, marching to the onset between the battle field and the scaffold—for the Lord is not in the earthquake—not in the fire of civil dissension—in war between the members and the head—in nullification of the laws of the Union by the forcible resistance of one refractory State—for the Lord is not in the fire ; and *that* fire was never kindled by your fathers ! No ! it is in the still small voice that succeeded the whirlwind, the earthquake and the fire. The voice that stills the raging of the waves and the tumults of the people—that spoke the words of peace—of harmony—of union. And for that voice, may you and your children's children, “to the last syllable of recorded time,” fix your eyes upon the memory, and listen with your ears to the life of James Madison.

## MADISON'S ADMINISTRATION.

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LONG previous to the expiration of Mr. Jefferson's second presidential term, the general sentiment of the Republican party, particularly in the southern and western states, appeared to be in favor of Mr. Madison as his successor. It seemed peculiarly appropriate that he should be selected for that high office, in order that the delicate negotiations with England and France which he had so long conducted,—as was conceded on all hands, with masterly ability,—might be brought to a satisfactory termination under his immediate auspices. The New York Republicans, and especially the Clinton family and their friends, had for some time looked forward with confidence, to the nomination of their distinguished leader and head, George Clinton, then filling the second office in the Nation ; and it is more than probable that their expectations would have been realized, had he been a younger and more active man, or had the foreign relations of the government been in a less complicated state. But at the caucus of the Republican members of Congress held just before the close of the session, in the winter

of 1808, Mr. Madison was the successful candidate, and Mr. Clinton was renominated for the Vice Presidency.

Some little dissatisfaction was manifested by the friends of Mr. Clinton; and he himself hesitated about accepting the nomination, but did not decline in the end. The canvass terminated with the election of the candidates nominated in the caucus, by a very large majority,—Mr. Madison receiving one hundred and twenty-two of the one hundred and seventy-six electoral votes.

On the 4th day of March, 1809, Mr. Madison took the oath of office, and delivered his inaugural address, in the capitol at Washington. Though the tone of the latter was pacificatory, its author held out no hope that the lowering aspect of affairs would soon be changed for the better, but plainly intimated that the honor and interests of the nation would be maintained at all hazards, and that, to render these secure, it might be necessary to resort to arms.

With reference to the general principles which should govern him in the administration of the government, he said: "To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality toward belligerent nations; to prefer in all cases amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster

a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others ; to hold the union of the states as the basis of their peace and happiness ; to support the constitution, which is the cement of the union, as well in its limitations as in its authorities ; to respect the rights and authorities reserved to the states and to the people, as equally incorporated with, and essential to the success of, the general system ; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction ; to preserve in their full energy the other salutary provisions in behalf of private and personal rights, and of the freedom of the press ; to observe economy in public expenditures ; to liberate the public resources by an honorable discharge of the public debts ; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics—that without standing armies their liberties can never be in danger, nor with large ones safe ; to promote by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce ; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty ; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretch-

edness of savage life to a participation of the improvements of which the human mind and manners are susceptible in a civilized state ; as far as sentiments and intentions such as these can aid the fulfilment of my duty, they will be a resource which cannot fail me."

As if to leave no room for doubt, that he cordially and heartily concurred in the views and opinions which had ever guided and controlled the public career of his distinguished predecessor, and which, at the recent election, had been a third time emphatically endorsed and approved by the American people, he further remarked :—" It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services, successfully rendered in the most trying difficulties by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness."

Immediately after his inauguration, Mr. Madison organized his cabinet by the promotion of Robert Smith, of Maryland, Secretary of the Navy under Mr. Jefferson, to the State Department. Albert Gallatin, of Pennsylvania, was continued in the office of Secretary of the Treasury, and Cæsar A. Rodney, of Dela-

ware, in that of attorney-general. William Eustis, of Massachusetts, was appointed Secretary of War, in the place of Henry Dearborn, transferred to the collectorship of the port of Boston ; and the vacancy in the Navy Department was filled by the selection of Paul Hamilton, of South Carolina. Gideon Granger, of New York, was continued as postmaster general, not then a cabinet officer.

Having completed the list of his advisers, when the new president turned to survey his position, he found that it was by no means an enviable one. The firmness, the unflinching determination, and the resolute and enthusiastic perseverance of Jefferson, Gallatin, Clinton, Livingston, and their coadjutors, had, indeed, been successful in restoring the ship of state to the republican track ; yet he had inherited, as a legacy, all the embarrassments and difficulties in the foreign relations of the government, which had originated during the administration of Washington, and, from year to year, become more and more involved, and grown more and more perplexing, till it seemed as if the Gordian knot could be severed only by the sword. At home all might have been peace and prosperity ; but every thing that would otherwise have appeared bright and fair, rested in the dark shadow thrown from the other side of the Atlantic.

“Many years elapsed after the conclusion of the treaty of peace in 1783, before Great Britain entirely abandoned her expectations of re-establishing, at some future, and not very remote day, her authority over

her revolted American colonies. It was customary for her writers and politicians to underrate the importance, and sneer at the pretensions of the young republic, till they saw, in the rapidly extending commerce and growing prosperity which followed the restoration of peace and tranquility, unmistakable indications that the daughter would soon be no mean rival of the mother country in the race of nations. To check these germs of greatness ere they should bud and blossom, was now the favorite object of English statesmen. As no pretext existed for open hostilities, resort was had to the low arts of diplomacy—to intrigue and cunning; and amid the moral and political corruption which, at that era, polluted the atmosphere of St. James, plans were concocted whose atrocity must ever stand out in bold relief on the page of impartial history.

“Disregarding the provisions of the treaty of 1783, the British authorities retained possession of the military posts northwest of the Ohio, and to these, and similar establishments in the Canadas, agents were sent to suborn and tamper with the savages on the northern frontiers of the American Union, and incite them to commit acts of hostility upon the persons and property of the settlers who had found their way into the rich valley of the Mississippi. It was the policy of Washington,—and after him of Adams, Jefferson and Madison,—to purchase the lands belonging to the Indian tribes, required by the increasing white population of the country, at a fair equivalent; to furnish them the means of civilization; to provide for them



the restraints of well-ordered and wholesome regulations ; to enkindle new desires, and impart new motives in their breasts ; to enlighten their minds and christianize their hearts. England, on the contrary, forgetting the eloquent and indignant denunciations of her Chatham, and careless how she sullied the national escutcheon, already stained by many a foul blot, supplied them with arms and ammunition,—with blankets, tobacco and fire water,—not to induce them to cultivate harmony and good will with their neighbors, the citizens of the United States ; but to minister to their most depraved appetites, and arouse the most vindictive passions of their natures. She asked them not to lay aside the implements of death, and engage in the pursuits of peace ; but invited them to continue their barbarous warfare, and glut their vengeance, to the full, with the tomahawk and scalping-knife !

“Under the auspices of Simcoe, and other agents of Great Britain, immediately after the peace, a combination was formed among the northwestern Indians, the object of which was to prevent the Americans from extending their settlements beyond the Alleghanies. The border inhabitants were constantly harassed by the irruptions of the savages ; scenes of bloodshed and murder were of frequent occurrence ; and when efforts were made to chastise the perpetrators of these outrages, they found in England a fast and firm friend, whose assistance, though not openly rendered, proved of essential service to her allies. Her influence was felt in the defeat of Harmar and

St. Clair ; and when the mounted volunteers under the gallant Wayne, scattered the savages in confusion, on the banks of the Maumee, they fled for protection beneath the guns of a fortress over which floated the red cross of St. George.

“The defeat of the Indians by Wayne was a severe lesson, and it was long remembered. Fortunately, too, for our country, who needed only a season of peace, and reposed from ‘war’s alarms,’ to advance with rapid strides to the high destiny before her—the revolutionary spirit had, at this time, crossed the Atlantic, and the watch fires of liberty were blazing on the continent of Europe. Alarmed for the stability of her institutions at home, England had no time to spend in courting the favor of the North American savages ; even though her machinations promised to terminate in the restoration of ‘the brightest jewel of her crown.’ In November, 1794, three months after Wayne’s victory, Mr. Jay concluded his commercial treaty, in which it was stipulated that the western posts should be surrendered by the first of June, 1796, which was accordingly done ; and in the summer of 1795, as we have seen, the treaty of Grenville was made with the Indian tribes. The quiet thus restored was deceitful and temporary in its duration.

“The treaty of Mr. Jay provided, among other things, for compensation for British spoliations on American commerce, growing out of the war with France ; yet the ratifications of that instrument had scarcely been exchanged, when outrages of the same charac-

ter, but greater in degree, were committed. Taking advantage of the distracted state of affairs on the continent, the enterprising citizens of America had extensively engaged in the carrying trade ; and their commerce had increased with so much rapidity, that the jealousy of England was again awakened. Large quantities of American provisions were also shipped to Europe, and especially to France, and to her possessions in the West Indies. The prices paid for which, owing to the continuance of hostilities, afforded handsome profits ; but this interfered, very materially, with the determination of England, by means of her maritime supremacy, to starve the French people into an abandonment of their republican notions ; and to prevent it, she caused blockades to be declared, which were enforced by no suitable naval power, and orders to be issued, in defiance of the law of nations, requiring neutral vessels to be seized though not carrying articles contraband of war.

“ Remonstrance on the part of the authorities of the United States, was of no avail. The example set by England was followed by France—every act of injustice on the one side being succeeded by a still more odious one on the other. The treaty of Amiens, in 1802, afforded the Americans a brief respite ; but, on the renewal of the war, in the following year, seizures and condemnations of our vessels became more frequent than ever. England joined the coalition formed to establish continental despotism on a firmer basis, and restore the Bourbon dynasty to the throne

which they had disgraced ; and she stopped at nothing to accomplish her purposes. Not content with watching the forts of France, she sent her privateers and vessels of war, under her pirate flag, to hover on our coast, and plunder our commerce. Her navy having been seriously reduced in men, by the long continued warfare in which she had been engaged, she likewise resorted to the impressment of American seamen, to fill up the complements of her crews. Large numbers of sailors were taken from our merchantmen ; and, to conclude these high-handed offences, the frigate Chesapeake was despoiled of a portion of her crew, on the twenty-second day of June, 1807.”\*

While these measures, designed and calculated to destroy the commerce, and cripple the prosperity of the American people, were being systematically pursued on the ocean, the emissaries of Great Britain were covertly at work among the northwestern savages—poisoning their minds, souring their dispositions, inflaming their passions, and preparing them in every way for the resort to arms, which, they foresaw, must eventually take place.

The government of the United States had patiently endured many an act of injustice, during the administration of Washington, Adams and Jefferson. She suffered much in her weakness, which she would not now tolerate in her strength.

Year after year she insisted, through her envoys,

\* Jenkins’ “Generals of the Last War with Great Britain.”

on "the suppression of impressments, and the definition of blockades;" and when, in 1804, the British minister at Washington, in the name and on the behalf of his sovereign, distinctly recognized the legitimate principles of blockade, the hope was fondly indulged than an amicable arrangement of all existing difficulties and disputes would soon be made. -

But this hope proved to be vain and delusive. Great Britain was determined on maintaining her naval superiority, and monopolizing the commerce of the world. She regarded no promise—she respected no obligation. Her plans were soon matured; and she attempted, by one blow, to destroy the merchant marine of the infant republic, then reaping a golden harvest, and humble forever the power and pride of her great rival. In May, 1806, the famous "paper blockade" was signed, closing the ports of France, from Brest to the Elbe, against the ships of neutral nations. No adequate naval force was stationed on the French coast to enforce the blockade; but a fleet was despatched to the shores of the United States, three thousand miles off, to capture every vessel suspected of a design to evade it. This act of aggression on our commerce, for such was its effect and such was its design, was the main moving cause of the war of 1812.

No apology can, or need be offered, for the conduct of France. Yet the blockade of her ports was the excuse or justification, on which, as was natural, she relied, to defend the retaliatory decree promulgated

at Berlin, in the following November. Patience and forbearance still continued to characterize the conduct of the American Government. Though the sanctity of her flag has been disregarded, though numbers of seamen had been impressed from her vessels, and though the national honor had been outraged and insulted by the attack on the Chesapeake, she contented herself with interdicting British armed vessels from entering her harbors. This mild and moderate policy but invited further aggression. On the 11th of November, 1807, the British orders in council were issued ; and on the 17th of December in the same year, the French Emperor retaliated, by the Milan decree.\*

The United States were now "compelled to decide, either to withdraw their sea-faring citizens, and their commercial wealth from the ocean, or to leave the interests of the mariner and the merchant exposed to certain destruction ; or to engage in open and active war for the protection and defence of those interests. The principles and the habits of the American government were still disposed to neutrality and peace. In weighing the nature and the amount of the aggressions which had been perpetrated, or which were threatened, if there were any preponderance to determine the balance against one of the belligerent

\*The Milan decree was not of course, known to have been issued, in the United States, when the Embargo act of the 22d December, 1807, was passed : but, nevertheless, France was not excepted from its provisions.

powers rather than the other, as the object of a declaration of war, it was against Great Britain, at least upon the vital interest of impressment, and the obvious superiority of her naval means of annoyance. The French decrees were, indeed, as obnoxious in their formation and design as the British orders ; but the government of France claimed and exercised no right of impressment ; and the maritime spoiliations of France were, comparatively restricted not only by her own weakness on the ocean, but by the constant and pervading vigilance of the fleets of her enemy. The difficulty of selection, the indiscretion of encountering, at once, both of the offending powers ; and, above all, the hope of an early return of justice, under the dispensations of the ancient public law, prevailed in the councils of the American government ; and it was resolved to attempt the preservation of its neutrality and its peace, of its citizens and its resources, by a voluntary suspension of the commerce and navigation of the United States. It is true, that for the minor outrages committed under the pretext of the rule of war of 1756, the citizens of every denomination had demanded from their government, in the year 1805, protection and redress ; it is true, that for the unparalleled enormities of the year 1807, the citizens of every denomination again demanded from their government protection and redress ; but it is, also, a truth, conclusively established by every manifestation of the sense of the American people, as well as of their government, that any honorable means of pro-

tection and redress were preferred to the last resort of arms. The American government might honorably retire, for a time, from the scene of conflict and collision ; but it could no longer, with honor, permit its flag to be insulted, its citizens to be enslaved, and its property to be plundered, on the highway of nations.

“ Under these impressions, the restrictive system of the United States was introduced. In December, 1807, an embargo was imposed upon all American vessels and merchandize, on principles similar to those which originated and regulated the embargo law, authorized to be laid by the President of the United States, in the year 1794 ; but soon afterwards, in the genuine spirit of the policy that prescribed the measure, it was declared by law, ‘that in the event of such peace, or suspension of hostilities between the belligerent powers of Europe, or such changes in their measures affecting neutral commerce, as might render that of the United States safe, in the judgment of the President of the United States, he was authorized to suspend the embargo, in whole or in part.’ The pressure of the embargo was thought, however, so severe upon every part of the community, that the American government notwithstanding the neutral character of the measure, determined upon some relaxation ; and, accordingly, the embargo being raised, as to all other nations, a system of non-intercourse and non-importation was substituted, in March, 1809, as to Great Britain and France, which prohibited all voyages to the British



or French dominions, and all trade in articles of British or French product or manufacture.\* But still adhering to the neutral and pacific policy of the government, it was declared, 'that the President of the United States should be authorized, in case either France or Great Britain should so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States, to declare the same by proclamation, after which the trade of the United States might be renewed with the government so doing.' These appeals to the justice and the interests of the belligerent powers proving ineffectual, and the necessities of the country increasing, it was finally resolved by the American government to take the hazards of a war; to revoke its restrictive system, and to exclude British and French armed vessels from the harbors and waters of the United States; but, again, emphatically to announce, 'that in case either Great Britain or France should, before the 3d of March, 1811, so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States; and if the other nation should not, within three months thereafter, so revoke or modify her edicts, in like manner, the provisions of the non-intercourse and non-importation law should, at the expiration of three months, be revived against the na-

\*The non-intercourse law was passed on the 1st day of March, 1809, three days previous to the inauguration of Mr. Madison.

tion refusing, or neglecting to revoke or modify its edict.\*

"On the expiration of three months from the date of the president's proclamation, the non-intercourse and non-importation law was, of course, to be revived against Great Britain, unless, during that period, her orders in council should be revoked. The subject was, therefore most anxiously and most steadily pressed upon the justice and the magnanimity of the British government; and even when the hope of success expired, by the lapse of the period prescribed in one act of Congress, the United States opened the door of reconciliation by another act, which, in the year 1811, again provided, that in case, at any time, Great Britain should so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the President of the United States should declare the fact by proclamation; and that the restrictions, previously imposed, should, from the date of such proclamation, cease and be discontinued.† But, unhappily, every appeal to the justice and magnanimity of Great Britain was now, as heretofore, fruitless and forlorn. She had, at this epoch, impressed from the crews of American merchant vessels, peaceably navigating the high seas, not less than six thousand mariners, who claimed to be citizens of the United States, and who were denied all opportunity to verify their claims. She had seized and confiscated

\*Act of Congress, May 1st, 1810. †Act of Congress, March 2d, 1811.

the commercial property of American citizens to an incalculable amount. She had united in the enormities of France to declare a great proportion of the terraqueous globe in a state of blockade: chasing the American merchant flag effectually from the ocean. She had contemptuously disregarded the neutrality of the American territory, and the jurisdiction of the American laws, within the waters and harbors of the United States. She was enjoying the emoluments of a surreptitious trade, stained with every species of fraud and corruption, which gave to the belligerent powers the advantages of peace, while the neutral powers were involved in the evils of war. She had, in short, usurped and exercised on the water, a tyranny similar to that which her great antagonist had usurped and exercised upon the land. And, amidst all these proofs of ambition and avarice, she demanded that the victims of her usurpations and her violence should revere her as the sole defender of the rights and liberties of mankind.

“When, therefore, Great Britain, in manifest violation of her solemn promise, refused to follow the example of France, by the repeal of her orders in council, the American government was compelled to contemplate a resort to arms, as the only remaining course to be pursued for its honor, its independence, and its safety. Whatever depended upon the United States themselves, the United States had performed, for the preservation of peace, in resistance of the French decrees as well as of the British orders.

What had been required from France, in its relation to the neutral character of the United States, France had performed by the revocation of its Berlin and Milan decrees. But what depended upon Great Britain, for the purposes of justice, in the repeal of her orders in council, was withheld, and new evasions were sought when the old were exhausted. It was, at one time, alleged that satisfactory proof was not afforded that France had repealed her decrees against the commerce of the United States, as if such proof alone were wanting to ensure the performance of the British promise. At another time it was insisted that the repeal of the French decrees in their operation against the United States, in order to authorize a demand for the performance of the British promise, must be total, applying equally to their internal and their external effects; as if the United States had either the right or the power to impose upon France the law of her domestic institutions. And it was finally insisted, in a dispatch from Lord Castlereagh to the British minister residing at Washington, in the year 1812, which was officially communicated to the American government, 'that the decrees of Berlin and Milan must not be repealed singly and specially in relation to the United States; but must be repealed also as to all other neutral nations; and that in no less extent of a repeal of the French decrees, had the British government ever pledged itself to repeal the orders in Council;'\* as if it were incumbent on the

\* Correspondence between the American Secretary and Mr. Foster the British minister, June, 1812.

United States not only to assert her own rights, but to become the coadjutor of the British government, in a gratuitous assertion of the rights of all other nations.

"The Congress of the United States could pause no longer. Under a deep and afflicting sense of the national wrongs and the national resentments, while they 'postponed definite measures with respect to France, in the expectation that the result of unclosed discussions between the American minister at Paris and the French government, would speedily enable them to decide, with greater advantage, on the course due to the rights, the interests, and the honor of the country,'\* they pronounced a deliberate and solemn declaration of war between Great Britain and the United States on the 18th of June, 1812.

"But it is in the face of all the facts which have been displayed in the present narrative, that the prince regent, by his declaration of January, 1813, describes the United States as the aggressor in the war. If the act of declaring war constitutes, in all cases, the act of original aggression, the United States must submit to the severity of the reproach ; but if the act of declaring war may be more truly considered as the result of long suffering and necessary self-defence, the American government will stand acquitted in the sight of Heaven and of the world. Have the United States, then, enslaved the subjects, confiscated the property, prostrated the commerce,

\* President's Message, June 1st, 1812, and report of the committee of Foreign Relations.

insulted the flag, or violated the territorial sovereignty of Great Britain? No ; but in all these respects the United States had suffered for a long period of years, previously to the declaration of war, the contumely and outrage of the British government. It has been said, too, as an aggravation of the imputed aggression, that the United States chose a period for their declaration of war when Great Britain was struggling for her own existence against a power which threatened to overthrow the independence of all Europe ; but it might be more truly said, that the United States, not acting upon choice, but upon compulsion, delayed the declaration of war until the persecutions of Great Britain had rendered further delay destructive and disgraceful. Great Britain had converted the commercial scenes of American opulence and prosperity into scenes of comparative poverty and distress. She had brought the existence of the United States, as an independent nation, into question ; and surely it must have been indifferent to the United States whether they ceased to exist as an independent nation, by her conduct, while she professed friendship, or by her conduct, when she avowed enmity and revenge. Nor is it true that the existence of Great Britain was in danger at the epoch of the declaration of war. The American government uniformly entertained an opposite opinion ; and, at all times, saw more to apprehend for the United States, from her maritime power, than from the territorial power of her enemy. The event has justified the opinion and

apprehension. But what the United States asked, as essential to their welfare, and even as beneficial to the allies of Great Britain, in the European war, Great Britain, it is manifest, might have granted, without impairing the resources of her own strength or the splendor of her own sovereignty ; for her orders in council have been since revoked ; not, it is true, as the performance of her promise to follow, in this respect, the example of France, since she finally rested the obligation of that promise upon a repeal of the French decrees as to all nations ; and the repeal was only as to the United States ; nor as an act of national justice towards the United States ; but simply as an act of domestic policy, for the special advantage of her own people.

“ The British government has also described the war as a war of aggrandizement and conquest on the part of the United States ; but where is the foundation for the charge ? While the American government employed every means to dissuade the Indians, even those who lived within the territory, and were supplied by the bounty of the United States from taking any part in the war, the proofs were irresistible that the enemy pursued a very different course ; and that every precaution would be necessary to prevent the effects of an offensive alliance between the British troops and the savages throughout the northern frontier of the United States. The military occupation of Upper Canada was, therefore, deemed indispensable to the safety of that frontier in the earliest

movements of the war, independent of all views of extending the territorial boundary of the United States. But when war was declared, in resentment for injuries which had been suffered upon the Atlantic, what principle of public law, what modification of civilized warfare, imposed upon the United States the duty of abstaining from the invasion of the Canadas? It was there alone that the United States could place themselves upon an equal footing of military force with Great Britain; and it was there that they might reasonably encourage the hope of being able, in the prosecution of a lawful retaliation, to restrain the violence of the enemy, and to retort upon him the evils of his own injustice. The proclamations issued by the American commanders on entering Upper Canada, have, however, been adduced by the British negotiators at Ghent, as the proofs of a spirit of ambition and aggrandizement on the part of their government. In truth, the proclamations were not only unauthorized and disapproved, but were infractions of the positive instructions which had been given for the conduct of the war in Canada. When the general, commanding the northwestern army of the United States, received, on the 24th of June, 1812, his first authority to commence offensive preparations, he was especially told that 'he must not consider himself authorized to pledge the government to the inhabitants of Canada further than assurances of protection in their persons, property and rights.' And on the ensuing 1st of August, it was emphatically declared to



him, 'that it had become necessary that he should not lose sight of the instructions of the 24th of June, as any pledge beyond that was incompatible with the views of the government.' Such was the nature of the charge of American ambition and aggrandizement, and such the evidence to support it.

"The conduct of the United States, from the moment of declaring the war, will serve, as well as their previous conduct, to rescue them from the unjust reproaches of Great Britain. When war was declared, the orders in council had been maintained, with inexorable hostility, until a thousand American vessels and their cargoes had been seized and confiscated, under their operation; the British minister at Washington had, with peculiar solemnity, announced that the orders would not be repealed, but upon conditions, which the American government had not the right, nor the power, to fulfil; and the European war, which had raged with little intermission for twenty years, threatened an indefinite continuance. Under these circumstances, a repeal of the orders, and a cessation of the injuries which they produced, were events beyond all rational anticipation. It appears, however, that the orders, under the influence of a parliamentary inquiry into their effects upon the trade and manufactures of Great Britain, were provisionally repealed on the 23d of June, 1812, a few days subsequent to the American declaration of war. If this repeal had been made known to the United States, before their resort to arms, the repeal would have arrested it; and that

cause of war being removed, the other essential cause, the practice of impressment, would have been the subject of renewed negotiation, under the auspicious influence of a partial, yet important, act of reconciliation. But the declaration of war, having announced the practice of impressment, as a principal cause, peace could only be the result of an express abandonment of the practice ; of a suspension of the practice, for purposes of negotiation ; or of a cessation of actual sufferance, in consequence of a pacification in Europe, which would deprive Great Britain of every motive for continuing the practice.

“ The reluctance with which the United States had resorted to arms, was manifested by the steps taken to arrest the progress of hostilities, and to hasten a restoration of peace. On the 26th of June, 1812, the American charge d'affaires. at London, was instructed to make the proposal of an armistice to the British government, which might lead to an adjustment of all differences, on the single condition, in the event of the orders in council being repealed, that instructions should be issued, suspending the practice of impressment during the armistice. This proposal was soon followed by another, admitting, instead of positive instructions, an informal understanding between the two governments on the subject. But both of these proposals were unhappily rejected. And when a third, which seemed to leave no plea for hesitation, as it required no other preliminary than that the American minister, at London, should find in the British govern-

ment a sincere disposition to accomodate the difference relative to impressment, on fair conditions, was evaded, it was obvious that neither a desire of peace nor a spirit of conciliation influenced the councils of Great Britain."\*

In following the able and conclusive vindication of Mr. Dallas,—which could not be mutilated without impairing, if not altogether destroying, much of its beauty and force,—we have been led to deviate, in some degree, from strict chronological order. To return, therefore, to the position of Mr. Madison at the outset of his administration : He found himself, as we have seen, embarrassed by altercations and disputes of long standing, with the two great powers of the world,—the one hostile in feeling as in conduct, and the other, though disposed to be friendly, compelled by the course of her adversary, to adopt measures of retaliation, as unjust to her ancient ally as they were injurious. During the administration of Mr. Jefferson, embargo had been tried in vain ; though suffering much from the adoption of this measure, neither England nor France relented in anything ; and, on the other hand, our people who were engaged in commerce, preferring to run the risk of evading the European blockades, rather than to have their vessels lie rotting in their harbors, began to grow still more violent in the utterance of their complaints.

In order to alleviate, as far as was consistent with the preservation of the national dignity, the burdens

\*Dallas' Exposition.

• which weighed so heavily, though necessary to be borne, upon the citizens of the eastern and Middle Atlantic states, the non-intercourse system was substituted for the embargo, at the close of the session of Congress, in March, 1809. Trusting that this manifestation of a conciliatory spirit would be followed by the adoption of corresponding measures on the part of England, to whom all eyes were turned as the first aggressor in this series of outrages and insults ; but, at the same time, fearing lest, notwithstanding their desire for peace, they might be compelled to take up arms in defence of their rights, provision was made by law, prior to the termination of the session, for a special meeting of the next Congress, to be held on the 22d day of May following.

Accordingly, the members of the eleventh Congress assembled at the Capitol, at the time specified in the act ; and the House of Representatives was organized, by the re-election of Joseph B. Varnum, a democratic member from Massachusetts, to the office of Speaker. On the 23d instant, the President communicated his message to the two houses, from which, and the accompanying documents, it appeared that in the month of April previous, an arrangement had been entered into with the British minister, Mr. Erskine, by virtue of which the commerce between England and the United States would be renewed, from and after the ensuing 10th day of June.

By the repeal of the Embargo, and the substitution of a less obnoxious measure, a favorable opportunity

had been afforded for the renewal of negotiations. Acting in accordance with the spirit, though not the letter, of his instructions, Mr. Erskine proposed to make satisfaction for the attack on the Chesapeake, and to withdraw the orders in Council, on the 10th of June, upon certain preliminary conditions, which were promptly complied with by the American government; and on the 19th of April, the President had issued his proclamation in conformity with this arrangement. This favorable termination, as it was supposed of the existing difficulties, produced a most happy effect. The speedy revival of commerce was now looked for, and peace and prosperity seemed again to smile upon the land. It was under such auspicious circumstances that Congress came together. The session was necessarily brief; and after the passage of an act adopting the commercial laws to the new arrangement with Great Britain, and some few others of minor importance, the members again separated.

But this calm in the political atmosphere was of brief duration. The British Secretary for foreign affairs, Mr. Canning, was ambitious to become in the cabinet what Napoleon was in the field. His fiery and dashing counsels prevailed; and the proceedings of Mr. Erskine were wholly disavowed. The latter had insisted, in his dispatches to his government, that his deviation from the orders he had received, had been occasioned by a thorough conviction on his part, that, by a too strict adherence to the letter of his instructions, he might lose "the opportunity of promo-

ting essentially his Majesty's interests and wishes"; but the pacific temper and disposition of the minister were not reflected in the council chamber of St. James. So far from this, it was determined that America should be treated as an ungrateful dependent; and that every overture should be spurned, till she sued as a suppliant for what she had hitherto demanded as a right. The offending envoy was recalled, and another sent in his place, who proved to be as ignorant of the courtesies of international intercourse as he was desirous of urging on hostilities between the two countries.

Great occasion was now given to the federal opposition for rejoicing, and they were prompt to avail themselves of it. It was said that Mr. Madison and his cabinet were aware, at the time of entering into the arrangement with Mr. Erskine, that the latter was exceeding his instructions; and that the whole proceedings were a mere trick, the object of which was to affect the elections. There was, in truth, not the least foundation for this charge; but it operated for a time prejudicially to the administration. A deep-rooted spirit of hostility towards the English nation, growing out of the feeling excited by the impressment of our seamen, and the continued aggressions on our commerce, was rapidly gaining ground. A portion of the democratic party, neither few in numbers nor feeble in influence, began to doubt whether the policy of the executive was not too lukewarm and conciliatory; and the federalists, or rather, the Hamiltonian branch of that party, though professedly opposed to a

collision with England zealously "fanned the embers," and tauntingly declared that Mr. Madison could not be "kicked into a war."

At first, the President doubted, whether the disavowal of the arrangement by virtue of which the orders in council were to be revoked, operated *per se* as a revival of the non-intercourse act ; but after deliberation with his cabinet, the question was decided in the affirmative, and a second proclamation was issued, reciting the facts attending the suspension of the law, and announcing that it was again in full force.

Irritated as were the American people by these repeated acts of injustice of the British government, they were, in disposition at least, fully prepared for immediate hostilities and had the President but given the signal, war would at once have resulted, and that with the unquestioned approval of the great majority of his countrymen. "Free trade and sailor's rights" was repeated from one extremity of the Union to the other ; impressment, and the violation of the neutral flag, were the topics of discussion at every public gathering ; and while old men gave utterance to their opinions in indignant language, the young stood by in silence, but with clenched hands and flashing eyes, and cheeks glowing with the fire of manly patriotism. Madison, however, was cool and sagacious, and not by any means disposed to precipitate the crisis which he foresaw, but hoped to avert. He still believed, that by persisting in the non-intercourse policy, England and France would eventually be brought to terms.

It may be, that in his sincere anxiety for peace, he was over cautious ; but if he erred, it was for what, in him, was the most praiseworthy of reasons ; and though the impartial historian may pronounce this to have been the great mistake of his administration, he will still do justice to the purity of his motives.

Had Mr. Madison been less favorable to the policy which had been pursued, there were other reasons for prudence and hesitation. Though a period of nearly thirty years had elapsed since the revolution, during which time the country had been comparatively at peace, the memorable advice of Washington to "prepare for war," had been almost if not quite disregarded. Some thing had, indeed, been done towards the fortification of the sea-coast, yet a great deal more was required before it would be placed in a respectable state of defence ; and, judging from the past, but little reliance could be placed on the liberality of Congress in making appropriations for the future,—even upon those members who were the loudest and most vehement in advocating an immoderate resort to arms. Of gunboats there were enough ; but their fitness for the object for which they were designed, was already more than doubted. The quotas of militia detached, under the act of March, 1808, had been discharged immediately after the arrangement had been entered into with Mr. Erskine. Some progress had been made in raising and organizing the additional military force provided for by the act of April, 1808 ; but the officers of our little army were little practiced in "war's



vast art," and the men, though brave and patriotic, in discipline were far behind the trainbearers against whom they were to be opposed. Four additional frigates had been fitted for actual service, in pursuance of a law passed the session of 1808-9 ; yet what were these, in comparison with the oaken bulwarks of the proud mistress of the seas !

The geographical position of our country, also, with regard to one of the great powers against whom she had so much cause for complaint, was peculiar. On the one side were the Canadas, the Colonial dependencies and possessions of England, where her troops were stationed and her munitions of war collected, inhabited by a people, one moiety of whom were firm in their loyalty, and the other moiety, though disposed to be friendly to us, prepared to manifest their predilections only by remaining neutral. On the northwest and southwest, were hordes of ruthless savages, receiving aid and encouragement, if not direct assistance, from British Agents and Emissaries. And on the south was Florida, belonging to and occupied by the troops of Spain ; who, inimical towards the United States on account of the purchase of Louisiana, and in close alliance with Great Britain, claimed, and had taken possession of a large tract on our southern borders, between the Perdido and the Mississippi, upon the pretence that it was not included in the treaty of San Ildefonso.

While the country was in a state of ferment and agitation, Mr. Jackson, the successor of Mr. Erskine,

arrived at Washington. He was instructed to state the reasons which had influenced his government in disavowing the acts of its former representative ; but, as it appeared at the outset, he had no authority to make any proposals with respect to the orders in council ; and in regard to the attack on the Chesapeake, the only proposition he made, was founded on the inadmissible presumption, that the first step towards an adjustment was due from the United States, and, while omitting all reference to the officer who had committed this high handed act of aggression, still asserted the odious doctrine of impressment. The new envoy was either unable, or unwilling, to imitate the mild and conciliatory conduct of his predecessor, and, in his correspondence with the American Secretary, intimated that the President was aware that Mr. Erskine had exceeded his powers, when the arrangement was entered into with him. To such a charge, or rather insinuation, for its author had not the manliness to make it directly and without qualification, there could be but one answer. The minister was allowed to hold no further communication with the government to which he was accredited, and the American minister at London was directed to announce the fact to the English Monarch, and acquaint him with the reasons which had led to this step, at the same time stating that any communications would be readily received if made through another channel.

Our relations with Great Britain had just assumed this new phase, when Congress again assembled, at its

regular session, on the 27th of November. The members were informed by the President, in his annual message, of what had transpired during the recess : he also announced, that the fortifications on the maritime frontier were fast being completed ; that a supply of small arms sufficient for the public exigency would soon be provided ; and that the vessels-of-war had been fully equipped, as directed by the act of Congress. He likewise recommended such an organization of the militia as would be "best adapted to eventual situations for which the United States ought to be prepared." In regard to the finances, he said, that although the current receipts, and the surplus previously accumulated in the treasury, had enabled them to go through the past year without recurring to a loan, a deficiency for the ensuing year was to be apprehended, from the insecure condition of American commerce, and the consequent diminution of the public revenue.

Shortly after the commencement of the session, a joint resolution was adopted approving of the course of the Executive in regard to the British minister, and declaring the willingness of Congress to call out the whole force of the nation, should it become necessary, to repel insults of so gross a character, and to assert and maintain the rights, honor, and interests of the United States. No action, in furtherance of the spirit of this resolution, was required, as, upon the representations of Mr. Pinkney, the American Plenipotentiary at the British court, Mr. Jackson was immedi-

ately recalled, although he was neither censured, nor was any apology made for his conduct.

Congress remained in session until the 1st of May, 1810. During this period, but few acts of general importance were passed. The law authorizing a detachment of one hundred thousand men from the militia expired by its own limitation, on the 30th of March, but was continued in force by another act. Acts were likewise passed at this session, providing for taking the decennial census, and for the creation of a loan for the payment of the public debt. In regard to our foreign relations, the legislation of Congress was characterized by the same spirit of forbearance which had hitherto governed their deliberations. On the 1st of May, an act was passed, known as the non-importation act, revoking the restrictive system, but excluding British and French armed vessels from the waters of the United States,—and providing further, that if either Great Britain or France should revoke or modify her edicts, before the 3d of March, 1811, and the other nation should refuse or neglect to do the same, the non-importation law should, at the expiration of three months, be revived against the party so offending. This was designed to be the ultimatum of the American government; and a declaration of war against whichever of the two nations failed to comply with its terms, was to be the only alternative. Accordingly, Messrs. Pinkney and Armstrong, the respective ministers at the courts of Great Britain and France, were instructed to urge the

speedy repeal of the obnoxious orders and decrees.

In reply to the communication of Mr. Armstrong, the French minister for foreign affairs stated, in an official note, that the Berlin and Milan decrees were revoked, and would cease to have effect after the 1st of November ensuing,—upon the condition, however, that the English government should revoke their orders in council, and renounce the new principles of blockade which they had sought to establish, or, in default thereof, that the United States should cause their rights to be respected by Great Britain. Undoubtedly, the French Emperor would, then, have preferred a war between England and the United States, to a peaceable and amicable termination of the dispute ; but, under existing circumstances, and while Great Britain continued to adhere to her odious system of blockades, no further concession could have been required of him by the American government. The proposition made by his minister fully complied with the terms of the act of May, 1810, and was therefore satisfactory to the Executive.

On the receipt of General Armstrong's dispatches, the President issued a proclamation dated the 2d of November, communicating the gratifying intelligence that one of the European belligerents had at length yielded to our demands ; and declaring that the French decrees had been revoked, and that the non-intercourse law would be revived as against Great Britain, provided her orders in council were not repealed within three months from that date.

Meanwhile, Mr. Pinkney labored to procure from the British ministry a revocation or modification of their orders, but it was all in vain. A direct reply to the able and convincing arguments, and the manly expostulations, of the American envoy, was for a long time evaded ; prevarication and sophistry were, however, of little avail ; and when he finally forced them to take a determined stand, their answer, in its tenor and effect, was, that the United States should either persuade or compel France to take the initiative in retracing the aggressive course which both belligerents had pursued, when, so far as the former was concerned, Great Britain was herself the first who should have made reparation. To such a proposition the United States could not in justice or honor accede ; and after months spent in fruitless negotiation, Mr. Pinkney formally took leave of the Prince Regent on the 1st day of March, 1811.

Previous to this time, the subject of our foreign relations had again received the consideration of the American Congress. That body commenced its session at Washington, on the 3d of December, 1810. On the 5th instant, the message of the President was received. After reviewing the condition of the pending negotiations with France and Great Britain, its author recommended a continuance of the defensive and precautionary arrangements, and the adoption of further measures for the organization and discipline of the militia. The finances were represented to be in a flattering condition ; there being a balance remaining

in the treasury, after the discharge of all liabilities, and the payment of the interest on the public debt, together with a portion of the principal, of two millions of dollars.

One more effort was made for the settlement of the vexed questions in difference with England, by the enactment of a law, near the close of the session—on the 2d of March, 1811—providing that, if Great Britain should revoke or modify her edicts, so that they ceased to violate the neutral commerce of the United States, the President should be authorized to declare the same by proclamation, and, from the date thereof, the provisions of the amended non-intercourse law should no longer remain in force.

By the terms of its charter, the legal existence of the old Bank of the United States was to cease on the 4th day of March, 1811. At the first session of the 10th Congress, memorials had been presented in both houses for a renewal of the charter. No definite action was had thereupon in the House of Representatives, but the Senate memorial was referred to the Secretary of the Treasury, to report upon the same at the ensuing session of Congress. The report of Mr. Gallatin was made on the 2d of March, 1809. He stated that the affairs of the bank appeared to have been wisely and skillfully managed; and that, in his opinion, although there were some weighty objections to the continuance of the institution, the public advantages to be derived from the renewal of the charter would more than counterbalance them. He,

also specified the conditions which, he thought, should be attached to the renewal. This session, the special session following, and the first session of the 11th Congress, passed off, however, without any final action on the subject.

On the 18th of December, 1810, a petition of the stockholders of the bank, praying for the renewal of the charter of incorporation, was presented in the House of Representatives, and referred to a select committee, of which Mr. Burwell, of Virginia, was chairman. The committee reported a bill providing for the renewal, on the 4th of January, 1811, which was taken up on the 16th instant, when a motion was made by Mr. Burwell, in committee of the whole, to strike out the first section. The motion prevailed by a vote of 59 to 46 ; and on the 24th instant, after an animated debate, the subject was indefinitely postponed, by a vote of 65 to 64. A number of able speeches were made in the progress of the discussion; the democratic speakers, in the main, treating the subject as a party one, and laying great stress on the arguments of Mr. Madison, contained in his speech delivered in 1791 against the original act of incorporation. The principal speakers opposed to the renewal of the charter were William A. Burwell, and John W. Eppes—the latter the son-in-law of Mr. Jefferson—of Virginia ; Peter B. Porter, of New York ; Adam Seybert, of Pennsylvania ; Robert Wright, of Maryland ; Nathaniel Macon, of North Carolina ; and William T. Barry, and Joseph Desha, of Kentucky.



On the other side were William Findley, of Pennsylvania ; and Jonathan Fisk, of New York ; Benjamin Talmadge, of Connecticut ; Philip B. Key, of Maryland ; David S. Garland, of Virginia ; and Samuel McKee, of Kentucky.

A similar petition presented in the Senate, shared a like fate. It was referred to a committee of which William H. Crawford, of Georgia, was chairman ; who, having fortified themselves with another report from Mr. Gallatin in favor of the renewal of the charter, introduced a bill providing therefor on the 5th day of February. A warm debate arose on a motion made by Mr. Anderson, of Tennessee, to strike out the first section. Mr. Crawford ably defended the constitutionality and expediency of the measure, and indignantly repelled the charge of apostacy made against him by other democratic Senators. He was warmly supported by Richard Brent, of Virginia, and John Pope, of Kentucky, belonging to the same party ; and by James Lloyd and Timothy Pickering, of Massachusetts, and John Taylor, of South Carolina. The ablest speeches in opposition to the re-charter were made by William B. Giles, of Virginia ; Henry Clay of Kentucky ; and Samuel Smith, of Maryland. The question was taken on the 20th of February, and resulted in a tie vote, of 17 to 17 ; Messrs. Lloyd, Pickering, and Brent, voting, in opposition to the instructions of the legislatures of Massachusetts and Virginia, in favor of the bill. The Senate being thus equally divided, the Vice President, George Clinton,

gave the casting vote for striking out the first section of the bill.

Great efforts had been made by the friends and agents of the bank to procure a renewal of the charter, and after the final rejection of the bill, propositions were introduced into both houses of Congress, extending the provisions of the existing charter, for the purpose of enabling it to close up its affairs. Mr. Clay, as the chairman of the select committee in the Senate, to whom the proposition was referred, and Mr. P. B. Porter, at the head of a similar committee in the House of Representatives, reported against even this temporary renewal of the charter. It expired, therefore, by its own limitation, on the 4th of March.

On the 27th of February, Joel Barlow, of Connecticut, was appointed minister to France, in place of General Armstrong, who had been recalled, at his own request, the preceding autumn. After the return of Mr. Pinkney, the United States were represented at the English court by Jonathan Russell, of Rhode Island, as *charge d' affairs*.

A collision, which took place on the 16th of May, between two vessels of war, belonging, respectively, to Great Britain and the United States, very much heightened the exasperation of feeling manifested by a great majority of the American people, and aroused their patriotism to the highest pitch.—The frigate *President*, under the command of Commodore Rodgers, while peaceably cruising on the American coast,

was unexpectedly fired upon by the British sloop of war, *Little Belt*. The fire was instantly returned with spirit and effect. Thirty two men were either killed, or wounded, or board the sloop, by the American fire. Explanations were then made,—the British commander asserting that he had labored under a mistake, though it is quite probable he designed to perpetrate a similar outrage with that committed on the *Chesapeake*,—whereupon, the sloop, having been sufficiently punished for her temerity, was permitted to return to her harbor.

Several months elapsed after the recall of Mr. Jackson, before the English government dispatched a new minister to the United States. Mr. Foster was sent in that capacity, in the summer of 1811, and through him, in the month of November following, tardy reparation was at length made for the attack on the *Chesapeake*.

In the winter of 1810–11, great numbers of Indian warriors visited the military posts in the Canadas, and obtained liberal supplies of arms and ammunition. It can scarcely be doubted that they were, at this time, prompted, or excited to hostilities, by British emissaries and agents, as, early in the spring they commenced the work of devastation and butchery on the northwestern frontier. An ineffectual attempt at pacification having been made, in the summer, by Governor Harrison, of Indiana territory, he marched upon the towns of the savages lying on the upper waters of the *Wabash*, in October, with a large force.

- On the morning of the 7th of November he was attacked by the enemy, while his men lay in bivouac, near the junction of the Tippecanoe and Wabash ; but he succeeded in repulsing them with great loss, and subsequently destroyed their villages, and laid waste the surrounding district. This timely blow intimidated the Indians, and frustrated any ulterior plans they may have had in view, in anticipation of a war with England.

The Congressional elections held in 1810-11, had resulted favorably to the administration, although there were symptoms of disaffection manifested in the democratic party in some portions of the Union, particularly in the State of New York, where the name of Dewitt Clinton was already mentioned in connection with the Presidency, by those of his political friends who were dissatisfied with the conciliatory policy of Mr. Madison, or who were really opposed to a war in the then comparatively defenceless state of the country. The 12th Congress assembled on the 4th of November, in pursuance of an executive proclamation. Henry Clay, of Kentucky, was chosen speaker of the House. This gentleman had now become one of the most prominent supporters of the administration in Congress ; and he was ably sustained in the body over which he presided, by James Fisk, of Vermont ; Peter B. Porter and Samuel L. Mitchell, of New York ; Adam Seybert, of Pennsylvania ; Robert Wright, of Maryland ; Hugh Nelson, of Virginia ; Nathaniel Macon, of North Carolina ;

John C. Calhoun, Langdon Cheves, and William Lowndes, of South Carolina ; William W. Bibb, and George M. Troup, of Georgia ; Felix Grundy, of Tennessee ; and William P. Duval, of Kentucky. On the opposition side, were Josiah Quincy, of Massachusetts ; and Timothy Pitkin, and Benjamin Talmadge, of Connecticut. The federal leaders in the Senate were James Lloyd, of Massachusetts ; and James A. Bayard, of Delaware. The most prominent democratic Senators were Samuel Smith, of Maryland ; William B. Giles, of Virginia ; William H. Crawford, of Georgia ; George W. Campbell, of Tennessee ; and George M. Bibb, of Kentucky.

It was evident from the tone of the President's message, that all hope of conciliation was nearly abandoned. He stated that the period had arrived which claimed from the legislative guardians of the national rights, the amplest provisions for their maintenance, and earnestly invoked them to put the country "into an armor and an attitude demanded by the crisis." The finances were said to be in a favorable condition. The receipts into the treasury during the year had been over thirteen and a half millions of dollars, which had enabled the government to meet its current liabilities, including interest ; and to cancel more than five millions of dollars of the public debt.

On the 25th day of November, James Monroe, of Virginia, was appointed Secretary of State, in place of Mr. Smith, who had previously resigned ; and in the month of December, following, William Pinkney,

of Maryland, late minister to Great Britain, was appointed attorney general, to fill the vacancy occasioned by the resignation of Mr. Rodney.

A bolder and more defiant tone was now assumed by the democratic members of Congress, particularly by those from the southern and western states. The inactivity and indecision which had characterized the policy of the dominant party in former years were laid aside ; and warlike measures of the most decided stamp were promptly adopted. Bills were passed at this session, providing for the enlistment of twenty thousand men in the regular army, for repairing and equipping the frigates in ordinary and building new vessels, and authorizing the President to accept the services of fifty thousand volunteers, and to require of the executives of the several states and territories to hold their respective quotas of one hundred thousand men, fully organised, armed and equipped, in readiness to march at a moment's warning. Funds were also appropriated to enable the Executive to carry these provisions into effect.

It was with some reluctance, in view of the exposed condition of the country, and the lack of means for carrying on a war with one of the first powers in the world, that Mr Madison acquiesced in these measures though he saw their necessity. While he hesitated, he was waited upon by several of the leading democratic members, who assured him that the popular feeling was setting strongly in favour of a war ; that the friends of Mr Clinton were taking advantage of his timidity ;

and that if he desired to sustain himself, it was necessary for him to take a bold and determined stand. Mr. Madison was by no means averse to the war, though a man of peace in principle and in practice; but he feared that Congress would either be unable or unwilling to provide him with the necessary supplies of money and men, to carry it on to a successful issue. Furthermore, his cabinet officers, though not undistinguished for talent, were hardly fitted for the emergency; and some diversity of opinion likewise existed among them. Mr. Gallatin was openly and avowedly opposed to a war, and Mr. Pinkney believed it premature to hurry on hostilities while so little preparation had been made. Mr. Granger was not opposed to a war, but was unfriendly to Mr. Madison, and secretly operating, in connection with Obadiah German, one of the democratic senators from New York, for the elevation of Mr. Clinton to the Presidency. Mr. Monroe was the only military man in the cabinet, and his experience had been limited. The secretaries of war and the navy were estimable men, but not at all calculated for directing the operations of armies and fleets in a state of war. As for the President himself, he did not profess to have any acquaintance with military matters.

On the 9th of March, 1812, the President sent a special message communicating certain documents, being the revelations of one John Henry, from which it appeared that he had been selected as a confidential agent, by the governor of Canada, to visit the New

England States, and sound the disaffected federal politicians in that quarter, in regard to forming a connection with Great Britain. The sum of fifty thousand dollars was paid out of the secret service fund for these disclosures, but they do not appear to have been a very desirable bargain. The British minister at Washington solemnly disclaimed any knowledge on his part touching the matter, though, even admitting this, it was never shown that the Canadian governor did not dispatch Henry to the United States for the purpose represented. Still, nothing appeared to cast suspicion on any one, even the most bitter federalists of the Eastern States, of having had any treasonable intercourse or understanding with him.

In the meantime, the French Emperor, after much delay and prevarication,—in which he showed a spirit, and manifested feelings, towards his “American prefect,” as the federalists termed Mr. Madison, far from being of that friendly character which they would have had the public infer,—had finally, on the 28th of April, 1811, definitely revoked the Berlin and Milan decrees, to date from November 1st, 1810, though it was intimated that no indemnification would be made for spoliations committed subsequent to that date. A powerful effort had also been made in the British parliament, by the Marquis of Lansdowne and Mr. Brougham, at the instigation of the merchants and manufacturers of England, whose business was rapidly declining, to procure the repeal of the orders in council. The movement was strongly resisted by



the ministers, who declared, with the utmost arrogance and assurance, that England could not deviate from her course, nor listen to the petty grievances of neutral nations, when her rights and interests were at stake. Previous to this time, Mr. Russell, the American *charge d' affairs*, had informed Mr. Monroe, in a dispatch dated the 14th of February, 1812, that he could discover no evidence of an intention, on the part of the British government, to repeal their orders; whereupon, the President, in a special confidential message, on the 1st of April, recommended an Embargo on all vessels then in port, and thereafter arriving, for the period of sixty days; and on the 4th instant, Congress passed a law in conformity with such recommendation. In a subsequent dispatch, dated the 4th of March, 1812, communicating the substance of the discussions in parliament, Mr. Russell remarked, at its close, "I no longer entertain a hope that we can honorably avoid war."

By an act of Congress, passed on the 8th day of April, the territory of Louisiana was admitted into the Union as a state, or rather the southern portion of it, and the name of Missouri territory was given to the remaining portion.

George Clinton, the venerable Vice President, for so many years the leader of the republican party in the State of New York, died at Washington, on the 20th of April, at the age of seventy-three. His place as presiding officer of the Senate had been previously

filled by the election of William H. Crawford as president *pro. tem.*

Mr. Russell's prophetic anticipation proved to be correct. On the 30th of May, 1812, Mr. Foster addressed a lengthy letter to Mr. Monroe, reviewing the whole controversy between Great Britain and the United States ; defending the course of the former in regard to the blockades and orders in council ; and closing with the explicit assurance, that the same course would be steadily pursued, while France continued to maintain and act upon the principles she had done. This was appropriately regarded as the final answer of Great Britain to the urgent and often repeated remonstrances of the American government :— she would not be content with the repeal of the French decrees, so far as they affected the United States, but her measures should not be relinquished, till such repeal took effect as to all neutral nations. The decree of the French Emperor, of the 28th of April, 1811, before alluded to, was not known to be in existence, at this time, by the parties to the correspondence, as it had long been kept secret, though it had been exhibited to Mr. Barlow, the American minister at the French court, a few days previous. Had this decree been known, however, it is not probable that the instructions of Lord Castlereagh, under which Mr. Foster acted, would have been different, inasmuch as the policy of the existing ministry was not eventually changed, till a revolution was threatened in the manufacturing districts of England.

It now became necessary to adopt some decisive measures looking to the maintenance of our rights as a free people, and the vindication of the national honor. Great Britain had, after years of delay and negotiation, emphatically and authoritatively announced, that she would not abandon her position : if France could be injured, in the least, by her orders and blockades, she cared not though that injury was aggravated, in a tenfold degree, to other, and neutral nations.

President Madison did not hesitate at this critical junction. On the 1st day of June, he transmitted a confidential message to Congress, in which, though he did not withhold just and deserved censure from France, he commented, in strong and eloquent language, upon the long series of outrages and insults committed by the government of Great Britain, or under its auspices. In concluding his able review of the origin, progress, and development, of this system of aggressions, he said :

“Such is the spectacle of injuries and indignities which have been heaped on our country ; and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected that an enlightened nation, if less urged by moral obligations or invited by friendly disposition on the part of the United States, would have found, in its true interest alone, a sufficient motive to respect their rights and their tranquility on the high seas ; that an enlarged policy would have

avored that free and general circulation of commerce in which the British nation is at all times interested, and which in times of war is the best alleviation of its calamities to herself, as well as to other belligerents ; and more especially, that the British cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

“Other counsels have prevailed. Our moderation and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great and common highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts, no longer the organs of public law, but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets, while arguments are employed in support of these aggressions, which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

“We behold, in fine, on the side of Great Britain,

a state of war against the United States ; and on the side of the United States, a state of peace toward Great Britain.

“ Whether the United States shall continue passive under these progressive usurpations and accumulating wrongs, or, opposing force to force, in defence of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honorable reestablishment of peace and friendship, is a solemn question, which the constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, free, and a powerful nation.”

The message was immediately referred, in the House of Representatives, to the committee on foreign relations, who reported, on the 3rd day of June, a manifesto, setting forth the reasons which required, in their opinion, an immediate appeal to arms. These were :—the impressment of American seamen ; the British doctrine and system of blockade ; and the continuance of the orders in council. The deliberations of Congress on this important question were conducted with closed doors. At first it was doubtful, whether a majority of the members could be induced to vote for a declaration of war. A bill drawn

up for that purpose, by Mr. Pinkney, the attorney general—in brief, terse, and sententious language—was reported, however, by Mr. Calhoun, from the committee on foreign relations. The act contained but a single section, and, exclusive of its title, was in these words :

*“Be it enacted, &c., That war be, and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories ; and the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions, or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.”*

Notwithstanding the federal members opposed the passage of the bill, it was rapidly pushed through the forms of legislation, and, by a final vote of 79 to 49, sent to the Senate for concurrence. It here encountered a still more violent opposition. The democratic friends of Dewitt Clinton united with the federalists in the attempt to defeat the bill ; and Mr. German, one of the New York senators, made a speech as well as voted against it. It finally passed, however, by a vote of 19 to 13, on the 17th of July, and, on the 18th instant was signed and approved by the President.

On the following day he issued his proclamation, announcing the existence of war and the causes which had led to it, as set forth in the manifesto of the committee on foreign relations, and calling upon the people of the United States to sustain the public authorities in their efforts to obtain a speedy, a just, and an honorable peace.

"The members from New Hampshire, most of those from Massachusetts, then including Maine, those of Connecticut, Rhode Island, New Jersey, and Delaware, with several from New York, some from Virginia and North Carolina, one from Pennsylvania, and three from Maryland opposed the war. The members from Vermont, some from New York, all but one from Pennsylvania, most from Maryland, Virginia, and North Carolina, all from South Carolina, Georgia, Kentucky, Tennessee, Ohio, and Louisiana, supported it."\* Mr. Clinton's friends, numbering among them a majority of the democratic delegation from New York, for the most part insisted that they were not opposed to the war, but they deemed the declaration at this time premature. Some of them afterwards joined what was called the peace party, composed of federalists and disaffected democrats; but most of the seceders eventually returned to their "first love."

Pursuant to a custom which many now began to condemn, a caucus of eighty-two republican members

\* Ingersoll's History of the war.

of Congress had been held on the 18th day of May, at which Mr. Madison was unanimously nominated for re-election. John Langdon, of New Hampshire, was put in nomination for the Vice Presidency, but he declined on account of his advanced age ; whereupon, the nomination was conferred on Elbridge Gerry, at a subsequent meeting held on the 8th of June. Dewitt Clinton was nominated as an opposing candidate for the Presidency, on the 29th of May, by a majority of the republican members of the New York legislature, but against the urgent remonstrances of the minority. The federalists took no steps towards bringing forward a candidate, till the month of September, when they held a convention in the city of New York, at which they resolved to support Mr. Clinton, in order, as they affirmed, to defeat Mr. Madison. Jared Ingersoll, of Pennsylvania, was selected as their candidate for Vice President.

On the 26th of June, an act was passed by Congress respecting letters of marque, prizes, and prize goods. Among the other important acts passed at this session, were those prohibiting the exportation of goods, wares, or merchandize, during the continuance of the embargo ; authorizing the establishment of a general land office ; providing for the survey of the bounty lands ; authorizing the issue of treasury notes to the amount of five millions of dollars ; imposing one hundred per cent. additional duties on imports ; and providing for the apportionment of representatives in accordance with the census of 1810. The session



terminated on the 6th of July ; Congress having previously adopted a resolution requesting the President to recommend a day of public humiliation and prayer, to be observed by the people of the United States, in offering up supplications to Almighty God for the safety and welfare of the states, his blessing on their arms, and the speedy restoration of peace. The third Thursday in August was accordingly selected by the Executive, and it was generally observed.

Party spirit and party feeling ran high throughout the Union, and the declaration of war was very differently received in different sections of the Union. In the city of Boston, in full view of the old Temple of Liberty, the flags of the shipping were hoisted at half mast, in token of mourning ; while at Baltimore, a federal editor was mobbed, his office in great part demolished, one of his friends killed, and he, with others, including Henry Lee, a distinguished officer of the revolution, but a most bitter and vindictive federal partisan, seriously injured, for having the hardihood to utter his sentiments through the columns of his paper. In the eastern states the opposition to the war was marked and virulent. Every one who dared to speak in defence of the administration, was denounced in the most unmeasured terms, and curses and anathemas were liberally hurled from the pulpit on the heads of all those who aided, directly or indirectly, in carrying on the war. In the middle and southern states, public opinion was divided, though a large majority approved the measures adopted by

Congress. But in the west there was only one sentiment:—love of country sparkled in every eye, and animated every heart. The importing merchants, the lawyers in the principal cities, some planters, and the clergy for the most part, were numbered in the ranks of the opposition ; and the war found its most ardent and enthusiastic advocates, among the farmers and planters, the mechanics, the mariners, and the laboring men.

Most of the prominent officers of the revolution were either dead or superannuated, and in making his selections for the leaders of the forces about to take the field, Mr. Madison naturally preferred, as he might have felt himself compelled to do, those who had occupied subordinate positions in the war of independence. He at first designed to place Henry Clay at the head of the army. That gentleman was not a soldier by profession or education, indeed knew but little of the military art ; yet he had genius, talents, force, decision, energy. These were needed at that crisis, and had the President followed his own counsel, in all probability, the disasters of 1812 and 1813 would not have been witnessed. Mr. Gallatin, though not very friendly to Mr. Clay, concurred, with the President in opinion ; but others thought, or affected to think, that the eloquent Kentuckian could not be spared from the House of Representatives. Mr. Madison allowed himself to be overruled, and appointed Henry Dearborn, a major in the revolution, and secretary of war during the administration of Jefferson,

the senior major general of the army. Under him were Major Generals James Wilkinson, of Maryland, and Wade Hampton, of South Carolina, then belonging to the regular army ; and Major Generals William Hull, also governor of Michigan territory, and Thomas Pinckney, of South Carolina, both appointed by President Madison. Mr. Pinckney was a prominent federalist, but a man of tried and sterling patriotism, who never allowed the ties of party to move him from the faithful discharge of his duty to his country.

In anticipation of hostilities, a large additional force had been placed under the command of General Hull, in order that he might be enabled, at the very outset, to cut off the communication between the North western Indians and the British posts in the Canadas. This design was prevented, in part, by the remissness of the war department or its messengers, in conveying the intelligence of the declaration of war to the frontier posts ;—the first intimation of the fact received by the commanding officer at Mackinaw, being a summons to surrender to a large British force that suddenly appeared before the fort on the 4th of August, with which he was obliged to comply ; and it was completely frustrated by the cowardice, or, at least, the indecision, of General Hull, who invaded Canada in July, but subsequently retired to Detroit, and, on the 17th of August, surrendered the post, with this whole force, to an inferior British army commanded by General Brock.

Immediately after the declaration of war, a project

was laid before the war department for the capture of Halifax, the principal naval depot of the enemy, and, indeed, the only one of any importance, on this side the Atlantic. Mr. Madison, ignorant as he was of military matters, relied, perhaps too much, on his secretary, Doctor Eustis, who, though possessing many estimable qualities, lacked the spirit and energy necessary at such a crisis. The project was not deemed feasible, though this was certainly a gross error, inasmuch as the declaration took the English government, and its representatives and officers everywhere, with surprise ; and a mistake, equally prejudicial in its results, was committed by General Dearborn, then commanding on the northern frontier, in consenting to an armistice with Sir George Prevost, governor general of Canada, suspending all military operations till the President's pleasure should be ascertained. This armistice was entered into in July, and, by its terms, the force under General Hull, was expressly excepted. President Madison promptly refused to confirm the arrangement ; but it was too late to avert the fatal consequences. The conclusion of the armistice left Sir George Prevost at liberty to dispatch a large force to Malden and its vicinity, which movement was speedily followed, as he may have foreseen, by the surrender of Hull.

Disasters like these could not be corrected, yet they were compensated, in some measure, by the brilliant achievements of our gallant navy. On the 18th of August, the Constitution, Captain Hull,

captured the British frigate *Guerriere*, and on the 17th of October, the brig *Frolic* surrendered to the American sloop-of-war *Wasp*, commanded by Captain Jones. These successes were followed by the surrender of the British frigate *Macedonian* to the United States, Captain Decatur, on the 25th of October, and the capture and destruction of the *Java*, off San Salvador by the *Constitution*, then under the command of Commodore Bainbridge, on the 30th of December.

Early in the autumn of 1812, a considerable force, of regulars and volunteers, was assembled on the Niagara frontier, under General Van Rennselaer, of the New York militia; and in the month of October, another unsuccessful attempt at the invasion of Canada was made in this quarter, with the loss of over one thousand men, killed, wounded, and prisoners. When the year closed, therefore, the reverses sustained by the army contrasted sadly with the glorious victories achieved by our little navy. During the two preceding administrations, the democrats, as a party, had opposed the augmentation of the naval establishment; but now that its practical utility and importance had been so signally manifested, they cordially united with the federalists in its laudation, and gave their support to the various propositions for its increase and support.

Meanwhile, the efforts of the merchants and manufacturers of England, to procure a repeal of the orders in council, had been attended with success. The repeal was made on the 23d day of June; but the

declaration of war had already been promulgated to the world; and although this step, if taken but one month previous, would undoubtedly have prevented a collision, there were other questions, which, though of minor importance, now that a resort to arms had been made, must, necessarily be first disposed of, before hostilities could cease. On the 26th of June, Mr. Monroe informed the American chargé, Mr. Russell, of the declaration of war; and at the same time authorised him to propose an armistice to the British government, conditioned, in the event of the repeal of the orders in council, that instructions should be issued suspending the practice of impressment during its continuance; and on the 27th of July, Mr. Russell was further empowered to consent to an informal understanding on the subject. It was also proposed, that an act of Congress should be passed, excluding British seamen, and natives of Great Britain, from American vessels, provided that a similar step should be taken by the British government.

Both these amicable overtures were contemptuously rejected by the British ministry, whereupon, Mr. Russell demanded his passports, and left England. Admiral Warren, the commander of the British naval force operating on the American coast, arrived at Halifax, however, in the month of September; and, on the 30th inst., he addressed a note to the Secretary of State, proposing, by authority of his government, the immediate cessation of hostilities, as preliminary to an arrangement for the revocation of the

laws interdicting British commerce and vessels of war from entering the harbors and waters of the United States. He added, nevertheless, that, if such revocation was not promptly made, the orders in council would be revived and rigidly enforced.

Mr. Monroe replied, on the 27th of October, in a most friendly tone, consenting, without hesitation to a provisional accommodation, but with the understanding that impressment should be suspended. The war on the continent was now growing more earnest and exciting, and Great Britain was required to put forth all her exertions to maintain her pretensions to the maritime supremacy in the world. She could not have the hardihood to insist upon continuing the practice of impressment, as a right ; but she wanted sailors to man her vessels, and she would take them. While such a disposition reigned in her councils, it was not surprising that this attempt at negotiation, like all former ones, proved entirely fruitless.

The presidential contest was unusually animated in the eastern, and in some of the middle states ; but in the south and west, only a feeble opposition was offered to the administration electoral tickets. Mr. Madison received 128 electoral votes and Mr. Gerry 131 ; Mr. Clinton received 89, including the vote of New York, where he was supported by a great portion of the democratic party, and Mr. Ingersoll, 86. The federalists gained a number of members for the 13th Congress,—being successful in electing twenty out of thirty representatives, from New York, in

consequence of the divisions among the democrats in that State.

Congress re-assembled, for the short session, on the 2d day of November. The president made no attempt in his message to conceal the disasters experienced on the Canadian frontier. After referring to these in appropriate terms, and calling attention to the gratifying results of the naval warfare, he invoked Congress to pass all needful laws, and to make, with promptitude, the necessary appropriations for the support of the army and navy, and for fortifications and works of defence, in order that the republic might be prepared, under all circumstances, to assert and maintain her rights and her dignity. He also adverted to the want of patriotism evinced by the respective governors of Massachusetts and Connecticut, in their refusal to furnish the required detachments of militia for the defence of the maritime frontier. In regard to the finances he stated that the receipts into the treasury, during the year ending on the 30th of September previous, had exceeded sixteen and a half millions of dollars, including the moneys received on account of loans authorized by Congress.

The session continued until the 3d of March, 1813, when the terms of members expired. Various laws were enacted relating to the army and navy, and providing for the means requisite to carry on the war. Four ships of the line, six frigates, and six sloops of war, were authorized to be constructed. On the 8th of February a law was passed, providing for a loan



of sixteen millions of dollars ; and authority was subsequently given to issue five millions in treasury notes, making altogether, including the loan of eleven millions authorized by the act of March 14th, 1812, and the five millions of treasury notes issued by the act of the 30th of June in the same year, the gross sum of thirty seven millions of dollars borrowed by this Congress for the prosecution of hostilities, without providing for the redemption of the debt, by the imposition of additional taxes, as desired by Mr. Cheves, chairman of the committee of ways and means, and other proper advocates of the war. The loan of sixteen millions was promptly taken, on the most favorable terms : seven millions of the sum were subscribed by Stephen Girard and David Parish, and two millions by John Jacob Astor, all three of whom were adopted citizens ; and the remaining seven millions were taken by banks and individuals, mostly in Philadelphia and New York. The federalists exerted themselves, for the most part successfully, to prevent any portion of the loan from being taken in the New England States.

Laws were likewise passed at this session for the increase of the army, and its more effective organization ; and for the encouragement of vaccination, generally, among the people, in order to prevent the ravages of small pox in the army.

The olive branch of peace was again tendered to Great Britain, by the passage of an act prohibiting the employment of any seamen, other than citizens of the

United States, or native persons of color, on board the public or private armed vessels of the United States, after the close of the war.

Among the other bills passed was one giving the president the power of retaliation for any violation of the usages of civilized warfare committed by British officers or their Indian coadjutors. A law was also enacted remitting the forfeiture incurred by American merchants, who, during the continuance of the non-importation act, had accumulated a large amount of property abroad, and when they found war to be inevitable, had ordered it to be brought home. Mr. Gallatin proposed to remit the forfeiture, but insisted, as a consideration therefor, that the owners should loan the government an amount equal to the value of the property. He was sustained by a majority of the democratic members, but the bill finally passed, by a vote of 64 to 61.

During the winter several changes took place in the cabinet. Numerous complaints had been made in regard to the unfitness or inefficiency of the Secretaries of the war and navy departments, in consequence of which they sent in their resignations. These were accepted; and on the 12th of January, 1813, William Jones, of Pennsylvania, recently of the navy, was appointed in the place of Mr. Hamilton. On the 19th instant, General Armstrong, late minister to France, and at that time a brigadier general in the regular army, succeeded Doctor Eustis at the head of the war department.

Previous to the adjournment of Congress, a law was passed authorizing an extra session to be held on the 24th day of May, 1813. On the following day—the 4th of March—President Madison again took the oath of office, and delivered his inaugural address.

Though a party to the great anti-French coalition, Russia suffered considerable injury from the interruption of American commerce during the continuance of the war ; and on the 8th of March, 1813, her minister at Washington, Mr. Daschkoff, in pursuance of his instructions, offered the mediation of the Emperor Alexander, between Great Britain and the United States, stating, in addition, in his official note, that the latter power had done everything that was possible to prevent a rupture. President Madison accepted the offer, in due form, on the 11th of March; and on the 17th of April, John Quincy Adams, then minister to Russia, Albert Gallatin, and James A. Bayard, were appointed envoys extraordinary and ministers plenipotentiary, to conclude a treaty of peace, under the auspices of the Russian autocrat. Messrs. Gallatin and Bayard embarked at an early day, and having joined Mr. Adams at St. Petersburg, they proceeded together to the Baltic, where they arrived in the month of June.

But Great Britain was not yet prepared to abandon her unjustifiable pretensions, either by word or deed ; and in September of the same year, she declined the proffered mediation. On the 4th of November, however, Lord Castlereagh, the British secretary for

foreign affairs, informed the American government that his country was both ready and willing to enter upon a direct negotiation for peace. This proposition, too, was cordially accepted by President Madison, and Lord Castlereagh was informed, in reply, that envoys would be immediately sent to Gottenburg, in order to carry it into effect.

Mr. Barlow, the minister to France, died at Czarnovitch, whither he had followed the Emperor Napoleon, on the 26th of December, 1812. The vacant mission was filled by the appointment of William H. Crawford, of Georgia, on the 9th of April, 1813.

The 13th, or, as it is sometimes called, the war Congress, assembled on the appointed day. Henry Clay was re-elected speaker, by a majority of thirty-five votes, over Timothy Pitkin, the opposing federal candidate. Among the new democratic members were John W. Taylor, of New York ; Charles J. Ingersoll and Samuel D. Ingham, of Pennsylvania ; John W. Eppes, of Virginia ; John Forsyth, of Georgia ; and William P. Duval, of Kentucky. The federalists received a great accession of intellectual strength, in the appearance of Jeremiah Mason, from the state of New Hampshire and Rufus King, of New York, as senators ; and of Daniel Webster, of New Hampshire ; Cyrus King and Timothy Pickering, of Massachusetts ; Thomas P. Grosvenor, and Thomas J. Oakley, of New York ; Richard Stockton, of New Jersey ; Alexander C. Hanson, of Maryland ; and William Gaston, of North Carolina, as representatives.

Notwithstanding the numerical majority of the administration, in the two houses of Congress, was so large, was not always to be counted on ; for the reason, that the democratic friends of Mr. Clinton were so deeply chagrined on account of the result of the late Presidential election, that they labored, either by opposing the nominations, or otherwise, to embarrass the proceedings of the Executive. Messrs. Adams and Bayard were promptly confirmed, but a vigorous opposition was made to Mr. Gallatin, on the ground that the offices of secretary of the treasury and envoy extraordinary could not be united in the same person. He was at first rejected, by a vote of eighteen to seventeen, but having subsequently resigned the secretaryship, he was confirmed. Captain Jones, of the navy department, performed the duties of secretary of the treasury, in connection with those rightfully devolving upon him, till the 9th day of February, 1814, when George W. Campbell, of Tennessee, was appointed secretary of the treasury, in the place of Mr. Gallatin.

Several other nominations made by President Madison were rejected at this session, by the votes of the Clintonian and federal senators. Among others, was that of Jonathan Russell, as minister to Sweden, which was negatived on the most absurd pretences ; the declaration of war being attributed to his counsel and advice. During the whole controversy he stood firmly by his country, it is true ; but he ever manifested a conciliatory spirit when consistent with the requirements of patriotism.

Most of the time of Congress, at the extra session, was spent in perfecting and passing laws for the purpose of relieving the national finances from embarrassment. Measures, which, it was feared, would not be popular, and, therefore, were not urged during the presidential canvass; were now from necessity adopted. The existing duties on imports were doubled, and the assessment and collection of direct taxes and internal duties were also provided for. Extraordinary expenses were incurred in preparing for the campaign of 1813, and, more particularly, in equipping the militia, who were at first, with few exceptions, miserably appointed. All the banks south of New England had suspended specie payments; the country was flooded with their discredited paper; and government was obliged to make use of them as depositories of the public moneys.

It seems to have been the policy of the federalists in Congress, or rather, of the New England federalists, to oppose the appropriation bills for the support of the army and navy, in the hope that by embarrassing the administration they would render it unpopular with its friends, or compel it to conclude a peace. The sequel will show, that, however sincere they may have been in the views they entertained, and in accordance with which they acted, they could scarcely have passed a course better calculated to destroy the party. The more moderate federalists, such as followed the lead of Rufus King, after the war had once been declared, refused to take any part in withholding the

necessary supplies, and many of them ultimately joined the democratic party; but the Masons, and Pickerings, and Websters, of the 13th Congress, wholly mistook the genius and character of the American people, and the mistake proved fatal to them as politicians. With all their firmness and independence, and their high-toned integrity and sense of honor, probably no class of men in our country, no partisans, were ever more prejudiced and bigotted in their political sympathies, or more bitter and vindictive in their enmities, than the federalists of 1812.

A numerous and powerful minority opposed the war throughout, but the majority stood manfully by the side of the country, and enabled the government to maintain the struggle, not without reverses and misfortunes, indeed, but with more than tolerable success, against one of the first powers in the world.

The war, in 1813, was conducted with various fortune. The recapture of Detroit was the first project in contemplation. An ill-advised movement, with this object in view, by General Winchester, terminated in the terrible defeat and massacre on the Raisin; but the yeomen of the west rallied once more, with alacrity and enthusiasm, around the star-spangled banner. At Sandusky and Fort Meigs the enemy were repulsed. Commodore Perry swept the British naval force from Lake Erie in September, and ere the thundering echoes of this contest had died away, Harrison was in full pursuit of the flying Proctor. Malden and Detroit were hastily abandoned, and the

valley of the Thames soon witnessed the fit chastisement of the marauders and savages whom the British commander had gathered round him.

On the Niagara frontier the campaign opened auspiciously ; although a grievous mistake was committed at the outset in this quarter, in neglecting to strike a blow at Kingston, or gain a foothold at Prescott, in order to cut off the communication between the two Canadian Provinces, and then attack the posts in detail, as circumstances favored. York and Fort George were captured, and the Americans, under General Dearborn, established themselves in the peninsula. A long period of inactivity followed ; the enemy were successful in one or two skirmishes ; and complaints were frequently heard. General Dearborn was incapacitated, by reason of the infirmities of age, for the proper fulfilment of his duties. He therefore resigned his commission, and was succeeded in the command of the army by General Wilkinson.

Two columns were now concentrated, at Grenadier island and Plattsburgh, respectively commanded by Generals Wilkinson and Hampton, for the invasion of Canada and the capture of Montreal. The expedition down the St. Lawrence, and the corresponding movement from Plattsburg, both ended in disaster and disgrace. The army then retired into winter quarters, scarcely consoled for their ill success, by the victories of Harrison in the early part of the campaign, and the glorious intelligence soon received from the southern frontier, where Jackson and his brave troops



had gallantly routed, and almost exterminated, the Creek warriors, who had dug up the hatchet at the instigation of British agents, and the Spanish officers in Florida.

Outrages and depredations, of the most barbarous and revolting character, were committed on the sea coast by Admiral Cockburn and others ; and on the ocean, our flag did not always ride triumphant. The losses of American commerce were great, but exceeded by very little, if at all, those previously sustained from English seizures and sequestrations, and French depredations. Hundreds of British merchant vessels, however, were captured this year by American privateers ; and the frigates *President*, Captain Rodgers, *Congress*, Captain Smith, and *Essex*, Captain Porter, carried terror into every sea. In February, the British brig *Peacock* surrendered to the *Hornet*, Captain Lawrence ; but on the 1st of June following, the same officer lost his life in the vain attempt to defend the frigate *Chesapeake*. On the 14th of June, a similar disaster was experienced in the capture of the *Argus*, Captain Allen, by the British sloop-of-war *Pelican*. But the successes of Rodgers, Smith, and Porter, more than compensated for these losses ; and the tide of victory again turned, in September, when the British brig *Boxer* was captured by the enterprise, Lieutenant Burrows.

Congress adjourned on the 2d of August, and re-assembled, for the regular session, on the 6th of December. On the 18th of January, 1814, Jonathan

Russell and Henry Clay were added to the commissioners previously appointed to treat with Great Britain. There being a vacancy in the office of Speaker, Felix Grundy was supported by the majority of the democratic members as Mr. Clay's successor ; but the choice of the house fell upon Langdon Cheves, who received the votes of the federalists, and of a portion of the democratic representatives. A most stringent embargo and non-intercourse law was adopted, soon after the meeting of Congress, in accordance with the recommendation of President Madison ; but, upon the urgent remonstrances of all parties in the eastern states, it was repealed on the 14th of April following. A loan of twenty-five millions of dollars, in addition to previous loans, was authorized to be created in order to carry on the war. Laws were also passed for the augmentation of the army and navy, and provision was made for the payment of bounties and pensions.

On the 19th of February, Mr. Taylor, of New York, from the committee of ways and means, reported a bill for the establishment of a National Bank in the District of Columbia, with a capital of thirty millions of dollars. The principle of this bill was approved by Mr. Cheves, Mr. Calhoun and Mr. Grundy, but opposed by Mr. Eppes and Mr. Seybert. There were others, too, who did not favor it, for the reason that it contained no provision for the establishment of branches in the states. A motion to engraft this feature upon the bill, made by Mr. Fisk, of New York, received but thirty-six votes, after which there was

no further action had upon it. But the public credit was daily depreciating ; treasury notes were seventeen per cent., and government stocks thirty per cent. below par ; and, influenced by these considerations, many of the democratic members appeared disposed to waive the constitutional scruples they had before entertained in regard to the incorporation of a bank.

Accordingly, on the 2d of April, Mr. Grundy, with the advice of President Madison, as it is supposed, introduced a resolution authorizing the appointment of a committee to inquire into the expediency of establishing a National Bank. The federalists, and a number of democratic members, among whom were Mr. Eppes and Mr. Ingersoll, opposed the resolution, and voted in favor of a motion to postpone it indefinitely. The democrats, generally, voted against the postponement, and a committee was appointed, of which Mr. Grundy was chairman. But within four days after their appointment, they were discharged, on motion of Mr. Grundy, from all further consideration of the subject.

“During the session a very interesting subject was submitted to the consideration of Congress. Twenty three American soldiers, taken at the battle of Queens-town in the autumn of 1812, were detained in close confinement on the charge of being native-born British subjects, and afterwards sent to England to undergo a trial for high treason. On this being made known to our government, orders were given to General Dearborn to confine a like number of British prison-

ers taken at Fort George, and to keep them as hostages for the safety of the Americans; instructions which were carried into effect, and soon after made known to the governor of Canada. The British government was no sooner informed of this, than Governor Prevost was ordered to place forty-six American commissioned and non-commissioned officers in confinement. \* \* \*. General Wilkinson soon after informed Governor Prevost, that, in consequence of orders he had received from his government, he had put forty-six British officers in confinement, to be there detained until it should be known that the American officers were released. On the receipt of this intelligence, the Canadian governor ordered all the American prisoners into close confinement; and a similar step was soon after taken by our government." \*

The course of the British government in denying the right of expatriation, and her claim to the perpetual allegiance of her subjects—made, too, when her practice, on the continent, was directly the reverse, and when Moreau and Bernadotte, were leading the allied forces against the armies of their native land—found many advocates on the floor of Congress; and Mr. Hauson, the editor of the federal newspaper at Baltimore whose office had been mobbed, with others of the same party, made able speeches on that side of the question; but the democratic members, and some of the federalists, scouted an idea which, as they regarded it, was wholly at variance with the genius and spirit of our free institutions.

\*Brackenridge's History of the war of 1812.

After fixing upon a day in advance of the regular time, for the commencement of the ensuing session, Congress adjourned on the 18th of April, 1814.

The brilliant successes achieved by the British in the Spanish peninsula, and the comparative pacification of that portion of the continent, enabled the enemy to increase her naval force on our seaboard, and to send out large numbers of additional troops. Vigorous preparations, too, were made to prosecute the war with greater vigor. But, on the other side, the Americans redoubled their exertions. The depredations committed on the Atlantic coast, and the rejection of the Russian mediation, had created hosts of friends for the administration, and the elections that took place this year were decidedly more favorable. Some of the ultra federalists in the Eastern States endeavored to stem the current, and the Hartford Convention, in the autumn of 1814, was designed to give expression to their views, and to concoct plans for compelling the executive to terminate the war. A cloud of mystery still enshrouds the doings of this body, and the designs of its movers have never been fully divulged. It is not probable that they contemplated any overt act of hostility to the general government, though they may have favored a secession of the New England states from the confederacy. They intended, doubtless, to stop just short of treason; and such has long since been the deliberate judgment of the American people.

Early in July, one column of the American army,

now officered by younger and more active and enterprising men crossed the Niagara, and took possession of Fort Erie. The well-fought battles of Chippewa and Niagara, if not productive of any decisive results, while they crowned the brows of the gallant Brown, and Scott, and their associates, with unfading laurels, vindicated, in addition, the military reputation of the country. Large reinforcements having joined the British general, the Americans now under General Gaines, were besieged in Fort Erie; but they defended themselves with spirit and bravery, and maintained their position in the peninsula, until the necessity of going into winter quarters compelled them to recross the river.

After making extensive preparations, Sir George Prevost penetrated into New York, by the way of Lake Champlain, with an immense land force, supported by a considerable fleet under Commodore Downie. The issue of this expedition was decided on the lake, where Commodore Macdonough, in command of the American naval force, nearly annihilated the British flotilla. A few indecisive skirmishes took place between the British army and the American troops at Plattsburg and its vicinity, under General Macomb; but after the defeat of Commodore Downie, Sir George Prevost retired into Canada, with the shattered remnants of his army, in great haste and disorder.

In the month of August, a powerful English squadron, under Sir Alexander Cochrane, having on board

a large body of troops commanded by General Ross, entered Chesapeake Bay, and proceeded up the Patuxent to Marlborough, where they landed without opposition. Through the negligence of the secretary of war, suitable preparations had not been made to receive the enemy ; and the indecision, and want of energy, of General Winder, who commanded the American troops hastily collected together, enabled them to achieve an easy victory over him, at Bladensburg. The British commander then proceeded to Washington, where the dock-yards and shipping, and the pacific edifices of the government, including the capitol with the valuable library of Congress, and the President's house, were destroyed, on the 24th of August, under his orders. Having completed this barbarous and unjustifiable work of destruction, he retired to his shipping, and again descended the river to the Chesapeake. In September General Ross ascended the bay with his forces, in the expectation of effecting the capture of Baltimore. A spirited and successful defence was made, however ; the British commander was killed ; and, as the country had now become fully aroused, the English squadron, fearing for its own safety, descended the bay, and sailed for Pensacola, where large reinforcements, under General Pakenham, a relative and favorite lieutenant of Wellington, shortly after arrived. The attack and capture of New Orleans, known to be in a defenceless state, was now projected by the united forces.

President Madison, and the secretaries of state,

war, and the navy, were eye-witnesses of the untoward result of the contest at Bladensburg. Returning to Washington, the public archives were partially secured, and the President then retired into Virginia, from whence he issued a proclamation, on the 1st of September, calling upon the people to rally in defence of the country, and encouraging them to persevere in maintaining the contest.

On the ocean our arms sustained a great reverse in the early part of the year, in the capture of the frigate *Essex*, in the harbor of Valparaiso, by two British vessels, on the 28th of March. Later in the season, the navy met with better fortune. The British sloop-of-war *Epervier* was captured by the *Peacock*, in the gulf of Mexico ; and the American sloop-of-war *Wasp*, Captain Blakeley, made prizes, successively, of two vessels of similar force with herself, in the English channel.

Congress had adjourned to meet on the last Monday in October, but it was called together on the 19th of September, by a proclamation of the Executive, in consequence of the threatened attack on New Orleans, and the embarrassing condition of the finances. It appeared from the President's message, that the sum of thirty two millions of dollars had been received into the treasury during the nine months ending on the 30th of June previous, eleven millions of which were the proceeds of the public revenue and the remainder the avails of the loans authorized by Congress. The disbursements during the same period had



exceeded thirty-four millions, and it was necessary to provide large sums, in addition, to meet the expenses incident to a continuance of hostilities. The President informed Congress, that, as the English orders in council had been repealed, and the general pacification in Europe had withdrawn the occasion for the practice of impressment, peace and amity would probably be soon established by the commissioners of the two belligerents, who had assembled at Ghent, in the month of August, instead of at Gottenburg as had been first proposed.

General Armstrong was severely censured for the disastrous capture of Washington, and the President seemed it his duty to request him to retire from Washington for a short time, in order that the excitement might subside. The secretary constructed this into an affront, and resigned his office on the 28th of September. Mr. Monroe then took charge of the war department. It was designed that he should resign the office of Secretary of State, and it was tendered to Daniel D. Tompkins, governor of New York, who had rendered the most efficient services to the administration in carrying on the war. Mr. Tompkins, however, declined the appointment, and Mr. Monroe continued to discharge the duties of both offices, till the 2d of March, 1816, when William H. Crawford, of Georgia, was appointed Secretary of war.

Other changes had been made in the cabinet previous to this time. Mr. Pinckney resigned the office of attorney general, and was succeeded by Richard Rush,

of Pennsylvania, on the 10th of February, 1814. Mr. Granger continued to manifest so much hostility to the administration, that the President removed him from office, and, on the 17th of March, 1814, appointed Return Jonathan Meigs, governor of the State of Ohio, postmaster general, in his place.

Ill health compelled Mr. Campbell to resign the office of Secretary of the Treasury, towards the close of September, 1814, and, on the 6th of October, Alexander J. Dallas, of Pennsylvania, was appointed to succeed him.

Among the measures, adopted by the 13th congress, at its last session, was one imposing a new direct tax of six millions of dollars; another imposing additional internal duties, and increasing the rates of postage fifty per cent. A violent opposition was made to these proceedings, but without success, by the federal members. A bill was also introduced authorizing the president to call out the militia of any state, if the governor thereof refused so to do: it was carried through the House, by dint of great exertions, but defeated in the Senate by one vote. Mr. Monroe, the acting Secretary of war, made a report on the 17th of October, in favor of increasing the rank and file of the army, to one hundred thousand men, by drafting the requisite number from the free male population of the United States. A similar proposition for the augmentation of the naval force, was made by the Secretary of the navy, Mr. Jones, who was suc-

ceeded in his office, on the 19<sup>th</sup> of December, 1814, by Benjamin W. Crowninshield, of Massachusetts.

The cry of conscription and impressment was forthwith raised by the opponents of the administration, and Congress hesitated in adopting the recommendations of the cabinet officers. Mr. Monroe soon discovered that nothing like the prompt action he desired, and which was absolutely necessary, could be anticipated. Orders were therefore given to the militia of the western states to hasten to the defence of New Orleans ; Mr. Monroe pledged his individual credit in order to raise the funds required for that purpose, on account which he was embarrassed, in his pecuniary circumstances, during the remainder of his life ; and thus General Jackson was enabled to achieve the brilliant victory on the plains of Chalmette, which closed the war in a blaze of glory.

Fortunately, these stringent measures for the increase of the army and navy, were not rendered necessary, in consequence of the conclusion of a treaty of peace, at Ghent, on the 24<sup>th</sup> of December, 1814. Intelligence of this event was received in the United States, in the month of February, and communicated to Congress officially, by the President, on the 20<sup>th</sup> inst. The British commissioners had at one time assumed a highly offensive and arrogant tone ; but the victories of Brown and Scott, the defeat of Commodore Downie, and the inglorious retreat of Sir George Prevost, soon moderated their demands. They at first insisted that the Indian tribes within the limits of the

union should forever enjoy a separate and independent sovereignty. This was instantly rejected by the American commissioners. As the orders in council had been repealed, and the British government had discontinued the practice of impressment, there were not, however, many obstacles in the way of the conclusion of the treaty which was ultimately signed.

By the terms of the treaty, a mutual restoration of all places and possessions taken during the war, or that might be taken after its signature, was stipulated, and the boundaries between the United States and the British possessions on the north, were more satisfactorily adjusted. In regard to the practice of impressment the treaty was silent ; for the reason, as stated by the American to the British commissioners, under instructions from the secretary of State, that Great Britain had abandoned it. The causes of the war had been entirely removed ; the orders in council had been revoked, and impressment was no longer practiced ; hence, everything for which the United States engaged in the contest, had either directly or tacitly been conceded ; and they could, without any sacrifice of honor, join in a pacification, even though the treaty was silent in regard to those measures which had originally led to hostilities.

Various propositions for the charter of a Bank of the United States, were brought forward at the session of 1814—15. At length, after much discussion, a bill passed the Senate, on the 9th of December, 1814, providing for the incorporation of a bank with

a capital of fifty millions of dollars. The vote stood 17 to 14 ; the federal members opposing the bill in consequence of their disapprobation of some of its details, in connection with those democrats who believed it to be unconstitutional. In the House the bill was amended so as to reduce the capital stock to thirty millions of dollars, and in some other features alterations were made. It was then pressed to a final vote on the 7th of January, 1815. The result was, 120 in favor of the bill, to 37 against it. Messrs. Calhoun, Forsyth, Ingersoll, and Lowndes, of the democratic party, supported the bill, together with Messrs. Oakley, Pickering, Pitkin, and Webster, of the opposition. Messrs. Grosvenor and King, prominent federalists, voted against it, as did also, Messrs. Eppes, Fisk, of New York, Macon, and Seybert.

The senate having concurred in the amendments of the House, the bill was sent to the President for his signature on the 21st day of January. On the 30th instant, the President returned the bill with his objections. He expressly waived the question of the constitutional power to charter such an institution, as being precluded, by repeated recognitions, on former occasions, of its validity ; but his objections were, that the bank proposed to be incorporated by the bill, would not, in his judgment, revive the public credit, or provide a circulating medium, or furnish the necessary loans, in time of war. The bill being then reconsidered in the senate, but fifteen voted in favor of its passage, to nineteen against it, wherefore

it was declared lost. Other attempts to procure a charter were made at this session, but all failed of success.

On the 23rd of November, 1814, the vice president of the United States, had died suddenly in his carriage, while on his way to the capitol. During the remainder of the session, John Gaillard, of South Carolina, officiated as president *pro. tem.* in the Senate.

Before the adjournment of Congress, which took place on the 3rd of March, 1815, the army was reduced to a peace establishment, and the non-intercourse law was repealed. An act was also passed authorizing the President to dispatch a squadron to the Mediterranean to chastise the Algerines, whose cruisers had committed serious depredations on American commerce. The force ordered upon this service was placed under the command of Commodore Decatur, who soon captured and destroyed all the principal vessels of the enemy, and dictated to them terms of peace at the cannon's mouth.

The 14th Congress assembled at Washington, for their first regular session, on the 4th of December, and continued in session till the 30th of April 1816. The democrats had about fifty majority, and as Mr. Clay had been returned to this Congress, he was once more elected speaker, without serious opposition. At this session reduced rates of postage were established, and a great reduction in the duties and taxes was made. A new tariff of duties on importations, designed to be moderately protective to American man-

ufacturers, was adopted, with the concurrence and approbation of Messrs. Clay, Calhoun, Lowndes, and other prominent members of the democratic party.

Shortly after the opening of the session, a committee on a national currency, of which Mr. Calhoun was chairman, was appointed. Having obtained from the Secretary of the Treasury a plan for a national bank, adapted, as was said, to the pressing emergencies of the country, Mr. Calhoun reported a bill of incorporation from the committee, on the 8th of January, 1815. By this bill a bank was proposed to be chartered with a capital of thirty-five millions of dollars, seven millions of which was to be taken by the United States, to be located in the city of Philadelphia. The bill finally passed the House on the 14th of March, by a vote of 80 to 71; and on the 3d of April was sustained in the Senate, by a vote of 22 to 12. The bill was subsequently approved by Mr. Madison, and went into operation, with Langdon Cheves, of South Carolina, late speaker of the house of representatives, as its first president.

The last session of Congress held during the administration of Mr. Madison, commenced on the 2d of December, 1816, and terminated on the 3d day of March, 1817. The President congratulated the members of the two houses, in his annual message, on the prosperous condition of the country, since the return of the peace, and the promise afforded of a steady advancement, in the future, along the bright career which destiny had marked out for her. One of the

most important acts passed at this session was that providing for the payment of the public debt, which now exceeded one hundred and twenty millions of dollars, though the indefatigable exertions of its author, Mr. Lowndes, chairman of the committee of ways and means. The navigation laws were revised, and an act was passed regulating the territories, and authorizing them to be represented in Congress, by a single delegate each.

Indiana was admitted into the Union as a state on the 11th of December, 1816. Shortly before the close of the session, the bonus to be paid by the bank of the United States for its charter, was appropriated by act of Congress to purposes of internal improvement; but the bill was vetoed by the President, and, consequently, did not become a law.

With the third day of March, 1817, the administration of President Madison expired. It was his fortune to conduct the affairs of state in a most trying period of our country's history; but she passed in safety through the perils that beset her; and when he retired to the peaceful shades of Montpelier, he left his countrymen in the enjoyment of an unusual degree of tranquility, prosperity and happiness,—he left “a government,” to quote the language of his last annual message, “which avoids intrusion on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, while it refines its domestic



code from every ingredient not congenial with the precepts of an enlightened age, and the sentiments of a virtuous people, seeks by appeals to reason and by its liberal examples, to infuse into the law which governs the civilized world a spirit which may diminish the frequency, or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace : a government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions—that of promoting peace on earth, and good will to man.”

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LIFE OF  
JAMES MONROE,

BY JOHN QUINCY ADAMS

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# LIFE

OF

## JAMES MONROE.\*

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AMONG the peculiarities affecting the condition of human existence, in a community formed within the period allotted to the life of man, is the state of being exclusively belonging to the individuals who assisted in the formation of that community. Three thousand years have elapsed since the Monarch of Israel, who, from that time, has borne the reputation of the wisest of men, declared that there was no *new* thing under the sun. And then, as now, the assertion, confined to the operations of nature, to the instincts of animal life, to the primary purposes, and innate passions of human kind, was, and is, strictly true. Of all the illustrations of the sentiment given by him, the course is now as it was then. One generation passeth away, and another generation cometh. To the superficial observation of the human eye, the Sun still ariseth

\*Eulogy delivered before the Corporation of Boston, 1831.

and goeth down ; the wind whirleth about continually ; all rivers run into the sea, which yet is not full ; and all things are full of labor, which man cannot utter : yet, although the thing that hath been is that which shall be, and that which is done is that which *shall* be done,—still the eye is not satisfied with seeing, nor the ear filled with hearing : and this affords the solution to all the rest. The aspirations of man to a better condition than that which he enjoys, are at once the pledges of his immortality, and the privileges of his existence upon earth ; they combine for his enjoyment the still freshening charms of novelty with the immutable laws of creation, and intertwine the ever-varying felicities of his condition with the unchangeable monotony of nature.

Thus, a thousand years after Solomon had ceased to exist upon earth, when his kingdom had been extinguished, and his nation carried into captivity, there arose among his own descendants, a Redeemer of the human race from the thralldom of sin ; the Mediator of a new covenant between God and man. From that time, though all remained unchanged in the phenomena of creation, all was new in the condition of human life. In the rise and fall of successive empires, other novelties succeed each other from age to age. New planets are discovered in the heavens, and new continents are revealed upon earth. New pursuits are opened to industry ; new comforts to enjoyment ; new prospects to hope. The secrets of the physical and intellectual world are gradually disclosed ; the pow-

ers of man are from time to time enlarged : but the eye is not satisfied with seeing, nor the ear filled with hearing. The tendency of the magnet to the pole, and its application to the purposes of navigation ; the composition of gunpowder, and its application to the purposes of war ; the invention of printing, and its application to all the purposes of man in peace and war,—to the wants of the body, and the expansion of the mind,—the gift as it were, of a new earth to replenish and subdue, by the disclosure of a new hemisphere, to the enterprise and capacities of man ; all these things are new in the records of the human species. Each of these things diverted into a new channel the current of human affairs, and furnished for the lord of the creation a new system of occupations in his progress from the cradle to the grave.

But of all the changes effected, and all the novelties introduced into the condition of human beings, since the promulgation of the gospel of Christ, none has been more considerable than that, the development of which began with the severance of the British colonies in North America from the parent stock. The immediate collision of rights, interests, and passions, which produced the conflict between the parties, and ended in sundering the two portions of the empire engaged, occupied and absorbed the agency and the powers of the actors on that memorable theatre. An English poet has declared it praise enough to fill the ambition of a common man, that he was the countryman of Wolfe, and spoke the language of

Chatham. The colonists who achieved the independence of North America, were the countrymen of Wolfe, and Chatham's language was their mother-tongue. But of what avail for praise would this have been to them, had they not possessed souls, inspired with the same principles, and hearts endowed with higher energies than those which conducted those illustrious names to the pinnacle of glory. Never would the object of the North American Revolution have been accomplished but by men, in whose bosoms the love of liberty had been implanted from their birth and imbibed from the maternal breast.

Considered in itself, the independence of our country was only the splitting up of one civilized nation into two—caused by usurpation; consummated by war. As such, it constituted one great element in the history of civilized man during its continuance; but that was short and transient. From the Stamp Act to the definite Treaty of Peace, concluded at Paris, on the third of September, 1783, a term of less than twenty years intervened,—a term scarcely sufficient for the action of one of the dramas of Shakspeare. It was not even equal to the duration of one age of man. We have already lived since the close of that momentous struggle nearly thrice the extent of time, in which it passed through all its stages, and there are yet among the living those whose birth preceded even that of the questions upon which hinged our independent existence as a nation.

Among these was the distinguished person, whose



earthly career terminated on the fifty-fifth Anniversary of our National Independence.

James Monroe was born in September, 1759, in the County of Westmoreland, in the then Colony of Virginia ; and at the time of the declaration of Independence, was in the process of completing his education at the college of William and Mary. He was then seventeen years of age, and at the first formation of the American army entered it as a cadet. Had he been born ten years before, it can scarcely be doubted that he would have been one of the members of the first Congress, and that his name would have gone down to posterity among those of the signers of the Declaration of Independence. Among the blessings conferred by a beneficent Providence upon this country in the series of events which composed that Revolution, was its influence in the formation of individual and of national character. The controversy which preceded the Revolutionary war, necessarily formed by a practical education the race of statesmen, by whom it was conducted to its close. The nature of the controversy itself, turning upon the elementary principles of civil society, upon the natural rights of man, and the foundations of government, pointed the attention of men to the investigation of those principles ; exercised all the intellectual faculties of the most ardent and meditative souls, and led to discoveries in the theory of government which have changed the face of the world.

The conflict of mind preceded that of matter. The

question at issue, between Great Britain and her colonies, was purely a question of right. On one side, a pretension to authority, on the other a claim of freedom. It was a lawsuit between the British King and Parliament of the one part, and the people of the colonies, of the other, pleaded before the tribunal of the human race. It was an advantage to the cause of the colonies in that contest, that it reposed exclusively upon the basis of *right*. "Authority," says a keen observer of human nature,

" Authority, though it err like others,  
Hath yet a kind of medicine *in itself*  
That skins the vice on the top."

In the prelude to the war of Independence, British authority was constantly administering this self-healing medicine to her own wrongs. The first assertion of her right, was an act of Parliament to levy a tax. When she found its execution impracticable, she repealed the tax, but declared the right of Parliament to make laws for the colonies, in all cases whatsoever. To this mere declaration, the colonies could make no resistance. It skinned the vice on the top. With the next act of taxation she sent fleets and armies for the healing medicine to her errors. She dissolved the colonial Assemblies, revoked the colonial charters, sealed up the port of Boston, annihilated the colonial fisheries, and proclaimed the province of Massachusetts bay in rebellion. These were the healing medicines of British authority ; while the only pretence of right that she could allege

for all these acts, was the *sovereignty* of the British Parliament.

To contend against this array of power, the only defence of the colonies at the outset was the *right* and *justice* of their cause. From the first promulgation of the Stamp Act, the spirit of resistance, with the speed of a sunbeam, flashed instantaneous through all the colonies; kindled every heart and raised every arm. But this spirit of resistance, and this unanimity, would have been transitory and evanescent, had it not been sustained, invigorated, and made invincible, by the basis of eternal and immutable *justice* in the cause. It engrossed, it absorbed all the faculties of the soul. It inspired the eloquence which poured itself forth in the colonial Assemblies, in the instructions from the inhabitants of many of the towns to their Representatives, and even in newspaper essays, and occasional pamphlets by individuals. The general contest gave rise to frequent incidental controversies between the royal Governors, and the colonial Legislatures, in which the collision of principles, stimulated the energies, directed the researches, and expanded the faculties of those who maintained the rights of their country. The profoundest philosophical statesman of the British empire, at that period, noticed the operation of these causes, in one of his admirable speeches to the House of Commons. He remarked the natural tendency and effect of the study and practice of the law, to quicken the intellect, and to sharpen the reasoning powers of men. He observ-

ed the preponderant portion of lawyers in the colonial Legislatures, and in the Continental Congress, and the influence of their oratory and their argument upon the understanding and the will of their countrymen. Yet that same clear sighted and penetrating statesman, long after the Declaration of Independence, penned with his own hand an address to the people of the United States, urging them to return to their British allegiance, and assuring them that their struggle against the colossal power of Great Britain, must be fruitless and vain. Chatham himself, the most eloquent orator of England—whose language it is the boast of honest pride to speak—Chatham, a peer of the British realm, in the sanctuary of her legislation, declared his approbation of the American cause, his disclaimer of all right in Parliament to tax the colonies, and his joy, that the people of the colonies had resisted the pretension. Yet that same Chatham, not only after the declaration, but after the conclusion of solemn treaties of alliance between the United States and France, sacrificed the remnant of his days, and wasted his expiring breath, in feeble and fruitless protestations against the irrevocable sentence to which his country was doomed—the acknowledgment of American Independence. It has been said, that men's judgments are a parcel of their fortunes ; and they who believe in a superintending Providence have constant occasion to remark the wisdom from above, which unfolds the purposes of signal improvement in the condition of man, by preparing, and maturing in advance, the in-

struments by which they are ultimately to be accomplished. The intellectual conflict, which, for a term of twelve years, had preceded the Declaration of Independence, had formed *a race of men*, of whom the signers of that instrument were the selected and faithful representatives. Their constituents were like themselves. Life, fortune, and sacred honor were staked upon the maintenance of that declaration. Not alone the life, fortune, and sacred honor of the individuals who signed their names, but with little exception, of the people whom they represented. One spirit animated the mass, and that spirit was *invincible*. It is a striking circumstance to remark, that in the island of Great Britain, *not a single mind existed* capable of comprehending this spirit and its power.—Deeper and more capacious minds, bolder and more ardent hearts, than Burke and Chatham, have seldom, in any age of the world, and in any region of the earth, appeared upon the stage of action. Yet we have here unquestionable demonstration that neither of them had formed a conception of the power, physical, moral and intellectual, of that unextinguishable flame which pervaded every particle of the man, soul and body, of the self declared independent American. It is an easy resource of vulgar controversy to transfer the stress of her argument from the cause, to the motive of her adversary, and the rottenness of any cause, will generally be found proportioned to the propensity manifested by its supporters, to resort to this expedient. On the question which *bred* the revolution of indepen-

dence, the taxation of the colonies by Parliament, all the great and leading minds of the British islands, all who have left a name on which the memory of posterity will repose, Mansfield and Johnson excepted, were on the American side. Burke, Chatham, Camden, Fox, Sheridan, Rockingham, Dunning, Barré, Lansdown, all recorded their constant, deep and solemn protestations, against the system of measures which forced upon the colonies the blessing of Independence. But when Chatham and Camden raised in vain their voices to arrest the uplifted arm of oppression, George Grenville and his abettors knew, or deemed so little of the spirit and argument of the Americans, that they affirmed it was all furnished for them by Chatham and Camden, and that *their* only motive was to supplant the Chancellor of the Exchequer. Adam Smith, the penetrating searcher into the cause of the wealth of nations, whose book was published about a year after the Declaration of Independence, without deigning to spend a word upon the *cause* of America, with deep sagacity of face and gravity of muscle, assures his readers, that they are very weak, who imagine that the Americans will easily be conquered—for that the Continental Congress consists of men, who from shopkeepers, tradesmen and attornies, are become statesmen and legislators. That they are employed in contriving a new form of government, for an extensive empire, which they justly flatter themselves will become one of the greatest and most formidable that ever was in the

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world. That if the Americans should be subdued, *all these men would lose their importance*—and the remedy that he proposes is, to start a new object for their ambition, by forming a union of the colonies with Great Britain, and admitting some of the leading Americans into Parliament. Yet this man was the author of a Theory of Moral Sentiments in which he resolved all moral principle into sympathy.

True it was, that the shopkeepers, tradesmen and attornies, were occupied in contriving a new form of government, for an extensive empire, which they might reasonably flatter themselves would become the greatest and most glorious that the world has ever seen. They were at the same time employed in raising, organizing, training and disciplining fleets and armies to maintain the cause of freedom, and of their country, against all Britannia's thunders. And they were employed in maintaining by reason and argument before the tribunal of mankind, and in the face of heaven, the eternal justice of their cause. Thus they were employed. Thus had been employed the members of the Continental Congress, and thousands of their constituents, from the time when the princes and nobles of Britain had imposed these employments upon them, by the visitation of the Stamp Act. And now is it not matter of curious speculation, does it not open new views of human nature, to observe, that while the shopkeepers, tradesmen and attornies of British North America were thus employed, Adam Smith, the profound theorist of moral sentiment, the

illustrious discoverer of the sources of the wealth of nations, could in the depth and compass of his mighty mind, imagine no operative impulse to the conduct of men thus employed, but a paltry gratification of vanity, in their individual importance, from which they might easily be weaned, by the superior and irresistible allurements of a seat in the British House of Commons?

More than half a century has now passed away; the fruits of the employment of these shopkeepers, tradesmen and attornies, transformed into statesmen and legislators, now form the most instructive, as well as the most splendid chapter in the history of mankind. They *did* contrive a new form of government for an extensive empire, which nothing under the canopy of heaven, but the basest degeneracy of their posterity can prevent from becoming the greatest and the most formidable that the world ever saw. They *did* maintain before earth and heaven, the justice of their cause. They *did* defend their country against all the thunders of Britain, and compelled her monarch, her nobles, and her people, to acknowledge the Independence which they had declared, and to receive their confederated republic among the sovereign potentates of the world. Of the shopkeepers, tradesmen and attornies, who composed the Congress of Independence, the career on earth has closed. They sleep with their fathers. Have they lost their individual importance? Say, ye who venerate as an angel upon earth, the solitary remnant of that assem-



bly, yet lingering upon the verge of eternity. Give me the rule of proportion, between a seat, from old Sarum, in the House of Commons, and the name of CHARLES CARROLL, of Carrollton, at the foot of the Declaration of Independence? Was honest fame, one of the motives to action in the human heart, excluded from the philosophical estimate of Adam Smith? Did he suppose patriotism, the love of liberty, benevolence and ardor for the welfare and improvement of human kind, inaccessible to the bosoms of the shopkeepers, statesman, and attorney legislators? I forbear to pursue the inquiry further, though more ample illustration might easily be adduced to confirm the position which I would submit to your meditations: that the conflict for our national Independence, and the controversy of twelve years which preceded it, did, in the natural course of events, and by the ordinary dispensations of Providence, produce and form a race of men, of moral and intellectual power, adapted to the times and circumstances in which they lived, and with characters and motives to action, not only differing from those which predominate in other ages and climes, but of which men accustomed only to the common place impulses of human nature, are no more able to form a conception, than blindness, of the colors of the rainbow.

Of this race of men, JAMES MONROE was one—not of those who did, or could take a part in the preliminary controversy, or in the Declaration of Independence. He may be said almost to have been born

with the question, for at the date of the Stamp Act, he was in the fifth year of his age ; but he was bred in the school of the prophets, and nurtured in the detestation of tyranny. His patriotism out-stripped the lingering march of time, and at the dawn of manhood, he joined the standard of his country. It was at the very period of the Declaration of Independence, issued as you know at the hour of severest trial to our country, when every aspect of her cause was unpropitious and gloomy. Mr. Monroe commenced his military career, as his country did that of her Independence, with adversity. He joined her standard when others were deserting it. He repaired to the head-quarters of Washington at New York, precisely at the time when Britain was pouring her thousands of native and foreign mercenaries upon our shores ; when in proportion as the battalions of invading armies thickened and multiplied, those of the heroic chieftain of our defence were dwindling to the verge of dissolution. When the disastrous days of Flatbush, Harlem Heights and White Plains, were followed by the successive evacuation of Long Island, and New York, the surrender of Fort Washington, and the retreat through the Jerseys ; till on the day devoted to celebrate the birth of the Saviour of mankind, of the same year on which Independence was proclaimed, Washington, with the houseless heads, and unshod feet, of three thousand new and undisciplined levies, stood on the western bank of the Delaware, to contend in arms with the British Lion, and to baffle the

skill and energy of the chosen champions of Britain, with ten times the number of his shivering and emaciate host ; the stream of the Delaware, forming the only barrier between the proud array of thirty thousand veteran Britons, and the scanty remnant of his dissolving bands. Then it was that the glorious leader of our forces struck the blow which decided the issue of the war. Then it was that the myriads of Britain's warriors were arrested in their career of victory, by the hundreds of our gallant defenders, as the sling of the shepherd of Israel prostrated the Philistine, who defied the armies of the living God. And in this career both of adverse and of prosperous fortune, James Monroe was one of that little Spartan band, scarcely more numerous, though in the event more prosperous, than they who fell at Thermopylæ. At the Heights of Hærlém, at the White Plains, at Trenton he was present, and in leading the vanguard, at Trenton, received a ball, which sealed his patriotic devotion to his country's freedom with his blood. The superintending Providence which had decreed that on that, and a swiftly succeeding day, Mercer, and Hasetlet, and Porter, and Neal, and Fleming, and Shippen, should join the roll of warlike dead, martyrs to the cause of liberty, reserved Monroe for higher services, and for a long and illustrious career, in war and in peace.

Recovered from his wound, and promoted in rank, as a reward for his gallantry and suffering in the field, he soon returned to the Army, and served in the

character of Aid-de-Camp to Lord Sterling, through the campaigns of 1777 and 1778 : during which, he was present and distinguished in the actions of Brandywine, Germantown and Monmouth. But, having by this been superseded in his lineal rank in the Army, he withdrew from it, and failing, from the exhausted state of the country, in the effort to raise a regiment, for which, at the recommendation of Washington, he had been authorized by the Legislature of Virginia, he resumed the study of the law, under the friendly direction of the illustrious Jefferson, then Governor of that Commonwealth. In the succeeding years, he served occasionally as a volunteer, in defence of the State, against the distressing invasions with which it was visited, and once, after the fall of Charleston, South Carolina, in 1780, at the request of Governor Jefferson, repaired, as a military commissioner, to collect and report information with regard to the condition and prospects of the southern Army and States; a trust, which he discharged to the entire satisfaction of the Governor and Executive, by whom it had been committed to him.

In 1782, he was elected a member of the Legislature of Virginia, and, by them, a member of the Executive Council. On the 9th of June, 1783, he was chosen a member of the Congress of the United States ; and, on the thirteenth of December, of the same year, took his seat in that body, at Annapolis, where his first act was, to sit as one of those representatives of the nation into whose hands the victorious

leader of the American Armies surrendered his commission. Mr. MONROE was now twenty-four years of age, and had already performed that, in the service of his country, which would have sufficed for the illustration of an ordinary life.

The first fruits of his youth had been given to her defence in war ; the vigor and maturity of his manhood was now to be devoted to her welfare in council. The war of Independence closed as it had begun, by a transaction new under the sun. The fourth of July, 1776, had witnessed the social compact of a self-constituted nation, formed by Peace and Union, in the midst of a calamitous and desolating war. To carry that nation through this war, the sole object of which, thenceforward, was the perpetual establishment of that self-proclaimed Independence, a Standing Army became indispensable. Temporary levies of undisciplined militia, and enlistments for a few weeks, or months, were soon found inadequate for defence against the veteran legions of the invader.—Enlistments for three years, were finally succeeded by permanent engagements of service during the war. These forces were disbanded at the peace. Successive bands of warriors had maintained a conflict of seven years' duration, but Washington had been the commander of them all. His commission, issued twelve months before the Declaration of Independence, had been commensurate with the war. He was the great military leader of the cause ; and so emphatically did he exemplify the position I have assumed, that Providence

prepares the characters of men, adapted to the emergencies in which they are to be placed, that, were it possible for the creative power of imagination to concentrate in one human individual person, the cause of American Independence, in all its moral grandeur and sublimity, that person would be no other than WASHINGTON. His career of public service was now at an end. The military leaders of other ages had not so terminated their public lives. Gustavus Vasa, William of Orange, the Duke of Braganza, from chieftains of popular revolt, had settled into hereditary rulers over those whom they had contributed to emancipate. The habit of command takes root so deep in the human heart, that Washington is perhaps the only example in human annals of one in which it was wholly extirpated. In all other records of humanity, the heroes of patriotism have sunk into hereditary Princes. Glorious achievements have claimed always magnificent rewards. Washington, receiving from his country the mandate to fight the battles of her freedom, assumes the task at once with deep humility, and undaunted confidence, disclaiming in advance all reward of profit, which it might be in her power to bestow. After eight years of unexampled perils, labors and achievements, the warfare is accomplished; the cause in which he had drawn his sword, is triumphant; the independence of his country is established; her union cemented by a bond of confederation, the imperfection of which had not yet been disclosed; he comes to the source whence he first derived his authority, and,

in the face of mankind, surrenders the truncheon of command, restores the commission, the object of which had been so gloriously accomplished, and returns to mingle with the mass of his fellow citizens, in the retirement of private life, and the bosom of domestic felicity.

Three years, from 1783 to 1786, Mr. Monroe continued a member of the Confederate Congress, and had continual opportunity of observing the utter inefficiency of that Compact for the preservation and welfare of the Union.

The union of the North American Colonies, may be aptly compared to the poetical creation of the world :

From HARMONY—from Heavenly Harmony  
This universal frame began ;  
When Nature, underneath an heap  
Of jarring atoms lay,  
And could not heave her head—  
The tuneful voice was heard from high  
Arise, ye more than dead,  
Then cold and hot, and moist and dry,  
In order to their stations leap,  
' And Music's power obey.

Such with more than poetical truth, was the creation of the American Union.

When on the fifth of September, 1774, a number of the delegates chosen and appointed by the several colonies and provinces in North America, to meet and hold a Congress at Philadelphia, assembled at the Carpenter's Hall,—on that same day, a new nation was created ; then, indeed, it was but in embryo.

Neither Independence, nor self-government, nor permanent confederation, were of the purposes for which that Congress was convened. It was to draw up and exhibit statements of the common grievances : to consult and confer upon the common violated rights ; to address their fellow-subjects of Great Britain, and of the colonies, with complaint of wrongs endured, and humbly to petition his most excellent majesty, their most gracious sovereign, for redress. These purposes were performed, and totally failed of success ; but the Union was formed ; the seed of Independence was sown ; and the Congress, after a session of seven weeks, on the twenty-sixth of October, dissolved.

When the second Congress met, on the 10th of May 1775, the war had already commenced : blood had flowed in streams at Concord and Lexington ; and scarcely had they been a month in session, when the fires of Charlestown ascended to an avenging heaven ; and Warren fell a martyr to the cause of the Union before that of Independence was even born. Still, the powers and instructions of the delegates extended only to concert, agree upon, direct, and order such further measures as should, to them, appear to be best calculated for the recovery and establishment of American rights and liberties, and for restoring harmony between Great Britain and the colonies.

These objects were pursued with steadiness, perseverance, and sincerity, till the people, whom they represented, sickened at the humiliations to which they



submitted ; till insult heaped upon injury, and injury superadded to insult, aggravated the burden to a point beyond endurance : the decree of the people went forth : the whole people of the United Colonies declared them Independent States : the nation was born ; like the first of the human race, issuing, full grown and perfect, from the hands of his Maker.

But while this Independence, thus declared, was to be maintained by a war,—of the successful issue of which, all spirit, but that of heroic martyrdom, might well despair—all the institutions of organized authority were to be created. By an act of primitive sovereignty, the people of the colonies annihilated all the civil authorities by which they had been governed : as *one corporate body*, they declared themselves a member of the community of civilized, but independent nations,—acknowledging the Christian Code of natural and conventional laws,—united, already, by solemn compact, but without organized government, either for the Union, or for the separate members ; also, corporate and associated bodies, of which it was composed.

The position of the people of these colonies on that day, was a new thing under the sun. The nature and character of the war was totally changed. Their relations, individual and collective, towards one another, towards the government and people of Great Britain, towards all the rest of mankind, were changed ; they were men in society, and yet had reverted to the state of nature ; they had no government, no fundamental

laws. Inhabiting a territory more extensive than all Europe, previously divided into thirteen communities, little sympathizing with one another, and actuated by principles more of mutual repulsion, than attraction, with elements for legislation not only various, but hostile to each other, they were called at one and the same time to wage a war of unparalleled difficulty and danger. To transfer their duties of allegiance, and their rights of protection from the Sovereign of their birth to the new republic of their own creation ; and to rebuild the superstructure of civil society, by a complicated government, adequate to their wants ; a firm, compact and energetic whole, composed of thirteen entire independent parts. The first and most urgent of their duties, because in its nature it admitted of no delay, was to provide for the maintenance and conduct of the war ; but with all its difficulties, that was the least arduous of their duties. To organize the government of a mighty empire, was a task which had never before been performed by man. The undertaking formed an era in the annals of the human race ; an era far surpassing in importance all others since the appearance of the Saviour upon earth.

There were fortunately a few fundamental principles upon which there was among the proclaimers of Independence, a perfect unanimity of opinion. The first of these was that the Union already formed between the Colonies should be permanent—perpetual—indissoluble. The second, that it should be a confederated Union, of which each Colony should be an

independent State. Self governed by its own municipal Code—but of which each citizen, should be also a citizen of the whole. The third, that the whole confederation, and each of its members, should be republican ; without hereditary monarch, without privileged orders. On the tenth of May, preceding the Declaration of Independence, Congress had passed a resolution, recommending to the several Colonies to adopt such government as should, in the opinion of the Representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general ; and in the preamble to this Resolution, adopted five days later, they assigned as the reason for it the necessity that the exercise of every kind of authority under the crown of Great Britain, should be totally suppressed, and *all the powers of government exercised under the authority of THE PEOPLE of the Colonies.*

And on the eleventh of June, 1776, the same day upon which the Committee was appointed to report the Declaration of Independence, it was resolved to appoint another Committee to prepare and digest the form of a confederation to be entered into between the colonies, and a third Committee to prepare a plan of treaties to be proposed to foreign powers.

Thus far there had been no diversity of opinion among those whose minds were made up for the Declaration of Independence. The people of each colony were to construct their own form of Government : a form of Confederation was to be prepared for the

whole. The history of mankind, ancient and modern presented several examples of confederated *States*, not one of a confederated *Government*; and even of former confederations there was not one which extended over a territory equal to that of one member of the American Union. For a confederated *Government*, the people of the colonies were utterly unprepared. The constitutions of the States were formed without much difficulty, and, after more than half a century, although we have witnessed frequent and numerous changes in their organization, there have been scarcely any of important principle. The great features of the political system upon which American Independence was declared, remained unchanged—bright in immortal youth. For Union, for Independence, for self-government, the elements were all at hand, and they were homogeneous. There was no seed of discord and of strife among them. For the structure of the confederacy it was not so. There was first a general spirit of distrust and jealousy against the investment of the federal head with power. There were then local and sectional prejudices, interests, and passions, tending to reciprocal discontents and enmities. There were diversities in the tenure and character of property in the different States, not altogether harmonizing with the cause of Independence itself. There were controversies of boundaries between many of the contiguous colonies, and questions of deeper vitality, to whom the extra-territorial lands, without the bounds of the colonial

charters, but within the compass of the federative domain, would belong? So powerfully did these causes of discord operate, even in the midst of the struggle for Independence, that nearly five years elapsed after the Declaration, before the consent of the States could be obtained to the Articles of Confederation.

This experiment, as is well known, proved a total failure. The Articles of Confederation were ratified by ten of the States as early as July, 1778. Maryland withheld her assent to them until March, 1781, when it first went into operation: and even then one of its principal defects was so generally perceived and foreseen, that on the preceding third of February, Congress had adopted a resolution, declaring it indispensably necessary that they should be vested with a power to levy an impost duty of five per cent. to pay the public debt. Even this power some of the States refused to grant.

In December, 1783, when Mr. Monroe took his seat in Congress, the first act of that body should have been to ratify the definitive treaty of peace with Great Britain, which had been signed at Paris on the preceding third of September. That treaty was the transaction which closed the revolutionary war, and settled forever the question of American Independence. It was stipulated that its ratifications should be exchanged within six months from the day of its signature; and we can now scarcely believe it possible, that but for a mere accident, the faith of the

nation would have been violated, and the treaty itself cancelled, for want of a power in Congress to pass it through the mere formalities of ratification. By the articles of confederation, no treaty could be concluded without the assent of nine States.—Against the ratification there was not a voice throughout the Union ; but only seven States were assembled in Congress. Then came a captious debate, whether the act of ratification was a mere formality for which seven States were as competent as nine, or whether it was the very medullary substance of a Treaty, which, unless assented to by nine States, would be null and void—a monstrous and tyrannical usurpation.

All the powers of government, in free countries, emanate from the people : all organized and operative power exists by delegation from the people. Upon these two pillars is erected the whole fabric of our freedom. That all exercise of organized power should be for the benefit of the people, is the first maxim of government ; and in the delegation of power to the government, the problem to be solved is the most extensive possible grant of power to be exercised for the common good ; with the most effective possible guard against its abuse to the injury of any one. Our fathers, who formed the confederation, witnesses to the recent abuse of organized power, and sufferers by it, mistook the terms of the problem before them, and thought that the only security against the abuse of power, was stinginess of grant in its organization : not duly considering that power not delegated, cannot be

exercised for the common good, and that the denial of it, to their government, is equivalent to the abdication of it by themselves. All impotence of the government, therefore, thus becomes the impotence of the people who formed it ; and in its result places the nation itself on a footing of inferiority, compared with others in the community of independent nations. Nor did they sufficiently foresee that this excessive caution to withhold beneficent power in the organic frame of government, necessarily and unavoidably leads to usurpation of it. The ordinance for the Government of the North-western Territory, was a signal example of this course of things under the Articles of Confederation. A perusal of the journals of Congress, public and secret, from the year 1778, when the Articles of Confederation were completed, and partially adopted, till 1789, when they were superseded by the present Constitution of the United States, will give the liveliest and most perfect idea of the character of the Confederation, and of the condition of the Union under it. Among the mischievous consequences of the inability of Congress to administer the affairs of the Union, was the waste of time and talents of the most eminent patriots of the country, in captious, irritating and fruitless debates. The commerce, the public debt, the fiscal concerns, the foreign relations, the public lands, the obligations to the revolutionary veterans, the intercourse of war and peace with the Indian tribes, were all subjects upon which the beneficent action of Congress was necessary ; while at ev-

ery step, and upon every subject, they were met by the same insurmountable barriers of interdicted or undelegated power. These observations may be deemed not inappropriate to the apology for Mr. Monroe, and for all the distinguished patriots associated with him during his three years of service in the Congress of the Confederation, in contemplating the slender results of benefit to the public in all the service which it was possible for them, thus cramped and crippled, to render.

Within the appropriate sphere of action, however, to which the powers of Congress were competent Mr. Monroe took a distinguished part. That body often resolved itself into a Committee of the Whole, to deliberate upon an empty Treasury, upon accumulating debts, and clamorous creditors ; upon urgent recommendations to the State Legislatures, which some of them would adopt, simply, and some conditionally ; others, indefinitely postpone ; some, leave without answer ; and others, sturdily reject. This Committee of the Whole referred every knotty subject to a Select Committee, from whom they would in due time receive an able, and thoroughly reasoned Report, which they would debate by paragraphs, and finally reject for some other debatable substitute, or adopt with numerous amendments, and after many a weary record of yeas and nays.

On the eighteenth of April, 1783, the Resolution of Congress had passed, declaring it absolutely necessary that they should be vested with a power to



levy an impost of five per cent. On the thirteenth of April, 1784, another Resolution was adopted, recommending to the Legislature of the States to grant to Congress the power of regulating commerce. And on the 13th of July, 1785, Congress debated the Report of a Committee of which Mr. Monroe was the Chairman, combining the objects of both those prior resolutions, and proposing such alteration of the Articles of the Confederation, as was necessary to vest Congress with the power both to regulate commerce, and to levy an impost duty. These measures were not abortive, inasmuch as they were progressive steps in the march towards better things. They led first to the partial convention of delegates from five States, at Annapolis, in September 1786; and then to the general convention at Philadelphia, in 1787, which prepared and proposed the Constitution of the United States. Whoever contributed to that event, is justly entitled to the gratitude of the present age, as a public benefactor; and among them the name of Monroe should be conspicuously enrolled.

Among the very few powers which, by the Articles of Confederation, had been vested in Congress, was that of constituting a Court of Commissioners, selected from its own body, to decide upon any disputed question of boundary jurisdiction, or any other cause whatever, between any two States in the Union. These Commissioners were in the first instance, to be chosen, with mutual consent, by the agents of the two States, parties to the controversy;

the final determination of which was submitted to them.

Such a controversy had taken place between the States of Massachusetts and New York, the agents of which attending in Congress in December, 1784, agreed upon nine persons, to constitute the federal court, to decide the question between the parties. Of these nine persons, James Monroe was one : a distinction, in the 26th year of his age, indicating the high estimation in which he was already held throughout the Union. The subsequent history of this controversy to its final and friendly settlement, affords an illustration coinciding with numberless others, of the imbecility of the confederacy. On the twenty-first of March, 1785, Congress were informed by a letter from Mr. Monroe, that he accepted the appointment of one of the Judges of the Federal Court, to decide the controversy. On the 9th of June following, the agents from the contending States reported to Congress that they had agreed upon three persons, whom they named, as Judges of the federal Court, instead of three of those who had been appointed the preceding December, but had declined accepting their appointment : and the agents requested that a commission might be issued to the Court, as finally constituted to meet at Williamsburg, in Virginia, on the third Tuesday of November, then next, to hear and determine the controversy.

On the second of November, of the same year, a representation was made by the agents of the two

States to Congress, that such had been the difficulties and delays in obtaining answers from several of the Judges, that the parties were left in suspense even to that hour ; a hearing had thus been prevented, and further procrastination was unavoidable. They petitioned, therefore, that the hearing should be remitted to such a day as the parties should agree upon, and thereafter certify to Congress—and a Resolution passed accordingly.

On the fifteenth of May, 1786, a letter was received by Congress from Mr. Monroe, informing them that some circumstances would put it out of his power to act as a Judge for the decision of this controversy, and resigning his commission.

On the twenty-seventh of September following, Congress were informed by the agents of the parties, that they had agreed upon a person to be a Judge, in the place of Mr. Monroe, and they requested that a new commission might be issued to the Court. The Court never met, for on the sixteenth of December, 1786, the litigating parties, by their respective agents at Hartford, in Connecticut, settled the controversy by agreement, between themselves, and to their mutual satisfaction. Of this the agents gave notice to Congress on the eighth of October, 1787, and they moved that the attested copy of the agreement between the two States, which they laid before Congress, should be filed in the Secretary's office—which was refused ; that body declining even to keep upon their files the evidence of an accord between two

members of the Union, concluded otherwise than as the Articles of Confederation had prescribed.

Mr. Monroe did not assign, in his letter to Congress, his reasons for resigning the trust which he had previously consented to assume. They were probably motives of delicacy, highly creditable to his character : motives, flowing from a source

“ Beyond the fix'd and settled rules  
Of vice and virtue in the schools : ”

motives, emanating from a deep and conscientious morality, of which men of coarser minds are denied the perception, and which, while exerting unresisted sway over the conduct actuated by them, retire into the self-conviction of their own purity. Between the period when Mr. Monroe had accepted, and that when he withdrew from the office of a Judge between the States of Massachusetts and New York, discussions had arisen in Congress, relating to a negotiation with Spain, in the progress of which, varying views of public policy were sharpened and stimulated by varying sectional interests, to a point of painful collision.

After the conclusion of the general peace at Paris, in 1783, Spain, then a feeble and superannuated monarchy, governed by corrupt, profligate and perfidious councils, possessed with other colonies of stupendous territorial extent, the mouths of the Mississippi, and both the shores of that father of the floods, from his first entrance into this continent, to a considerable ex-

tent inland. Above the thirty-first degree of latitude, the territorial settlements of the United States were spreading in their incipient but gigantic infancy, along his eastern banks and on both shores of the mighty rivers, which contribute to his stream. Spain, by virtue of a conventional, long settled, but abusive principle of international law, disavowed by the law of nature, interdicted the downward navigation of the Mississippi to the borders upon the shores above her line ; on the bare plea that both sides of the river were within her domain at the mouth. And well knowing that the navigation was equivalent almost to a necessary of life to the American settlers above, she formed the project at once of dallying negotiation with the new American Republic, to purchase by some commercial privilege, her assent to a temporary exclusion from the navigation of the Mississippi, and of tampering with the same American settlers, to seduce them from their allegiance to their own country, by the prospect of enjoying under her dominion as Spanish subjects, the navigation of the river, from which they were excluded as citizens of the United States.

In the collision between the claim of the United States of right to navigate the Mississippi by the laws of nature, and the treaty of peace with Great Britain, and the actual interdiction of that navigation by Spain, founded upon the usages of nations, hostilities between the two nations had already taken place. A citizen of the United States descending the Mississippi, had been seized and imprisoned at Natchez ; and a

retalitory seizure of the Spanish post at Vincennes had been effected by citizens of the United States. According to all appearances, an immediate war with Spain, for the navigation of the Mississippi, or a compromise of the question by negotiation, was the only alternative which Congress had before them, and here again appeared a melancholy manifestation of the imbecility of the Union under the Articles of Confederation.

A diplomatic agent of the lowest order, under the title of *Encargado de Negocios*, had been appointed by the king of Spain to reside in the United States, and had been with much formality received by Congress, in July, 1785. Though possessed of full powers to conclude a treaty, he had not the rank of a Minister Plenipotentiary, and his title, otherwise unexampled in European diplomacy, was significant of the estimation in which his Catholic Majesty held the new American Republic. Immediately after his reception, the Secretary of Congress for Foreign Affairs, John Jay, of New York, was commissioned to negotiate with the Spanish *Encargado*; but instructed, previously to his making propositions to the Spaniard, or agreeing with him on any article, compact or convention, to communicate the same to Congress. On the 25th of August ensuing, this instruction was repealed, and another substituted in its place, directing him in his plan of treaty, particularly to stipulate the right of the United States to their territorial bounds and the free navigation of the Mississippi, from the

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source to the ocean, as established in their treaties with Great Britain ; and to conclude no treaty, compact or convention with Mr. Gardoqui, without previously communicating it to Congress, and receiving their approbation.

The navigation of the Mississippi soon proved an insurmountable bar to the progress of the negotiation. It was, *de facto*, interdicted by Spain. The right to it could be enforced only by war, and violence on both sides had already taken place. Spain denied the right of the people of the United States to navigate the Mississippi as pertinaciously and in as lofty a tone as Great Britain denies to us, on the same pretence, to this day, the right of navigating the St. Lawrence. After many ineffectual conferences with the Spanish negotiator, the Secretary of Foreign Affairs requested further instructions from Congress, and in a personal address to that body, recommended to them a compromise with Spain, by the proposal of a commercial treaty in which for an adequate equivalent of commercial advantages to the United States, they, without renouncing the right to the navigation of the Mississippi, should stipulate a forbearance of the exercise of that right for a term of twenty-five or thirty years, to which the duration of the treaty should be limited.

This proposal excited the most acrimonious and irritated struggle between the delegations from the Northern and Southern divisions of the Union, which had ever occurred. The representation from the

seven Northern States, unanimously agreeing to authorize the stipulation recommended by the Secretary, and the five Southern States, with the exception of one member, being equally earnest for rejecting it. The State of Delaware was not then represented. In the animated and passionate debates, on a series of questions originating in this inauspicious controversy, the delegates from Massachusetts, and among them especially Rufus King, took a warm and distinguished part in favor of the proposition of the Secretary, while the opposition to it was maintained with an earnestness equally intense, and with ability not less powerful by the delegation from Virginia, and among them, pre-eminently, by Mr. Monroe. In reviewing at this distance of time the whole subject, a candid and impartial observer cannot fail to perceive that much of the bitterness which mingled itself unavoidably in the contest, arose from the nature of the Confederacy, and the predominant obligation under which each delegate felt himself to maintain the interests of his own State and section of the Union. The adverse interests and opposite views of policy brought into conflict by these transactions, produced a coldness and mutual alienation between the Northern and Southern divisions of the Union, which is not extinguished to this day. It gave rise to rankling jealousies and festering prejudices, not only of the North and South against each other, but of each section against the ablest and most virtuous patriots of the other. As by the Articles of Confederation, no treaty could



be concluded but with the concurrence of nine States, the authority to make the proposal recommended by the Secretary was not given. The negotiation with Spain was transferred to the Government of the United States, as organized by the present National Constitution. The right of navigating the Mississippi from its source to the ocean, with a deposit at New Orleans, was within seven years thereafter, conceded to the United States by Spain, in a solemn treaty, and within twenty years from the negotiation with the *Encargado*, the Mississippi himself with all his waters and all his shores, had passed from the dominion of Spain, and become part of the United States.

In all the proceedings relating to the navigation of the Mississippi, from the reception of Mr. Gardoqui, till the acquisition of Louisiana and its annexation to the United States, the agency of Mr. Monroe was conspicuous above all others. He took the lead in the opposition to the recommendation of Mr. Jay. He signed, in conjunction with another eminent citizen of the State of New York, Robert R. Livingston, the Treaty which gave us Louisiana : and during his administration, as President of the United States, the cession of the Floridas was consummated. His system of policy, relating to this great interest, was ultimately crowned with complete success. That which he opposed, might have severed or dismembered the Union. Far be it from me ; far, I know, would it be from the heart of Mr. Monroe himself, to speak it, in censure of those illustrious statesmen, who, in the

infancy of the nation, and in the helplessness of the Confederation, preferred a temporary forbearance of a merely potential and interdicted right, to the apparent and imminent prospect of unavoidable war. Let those who would censure them look to the circumstances of the times, and to the honest partialities of their own bosoms, and then extend to the memory of those deceased benefactors of their country that candor, in the construction of conduct and imputation of motives, which they will hereafter assuredly need themselves.

It was in the heat of the temper, kindled by this cause of discord, in the federal councils, that Mr. Monroe resigned his commission as a judge between the States of Massachusetts and New York. The opinions of both those States, indeed coincided together, in variance from that which he entertained upon the absorbing interest of the right to navigate the Mississippi. But he beheld their countenance—"that it was not toward him as before." He felt there was no longer the same confidence in the dispositions of North and South to each other, which had existed when the selection of him had been made; and he withdrew from the invidious duty of deciding between parties, with either of whom he no longer enjoyed the satisfaction of a cordial harmony.

By the Articles of Confederation no delegate in Congress was eligible to serve more than three years in six. Towards the close of 1786, the term of Mr. Monroe's service in that capacity expired. During

that term, and while Congress were in session at New York, he formed a matrimonial connexion with Miss Kortright, daughter of Mr. L. Kortright of an ancient and respectable family of that state. This lady, of whose personal attractions and accomplishments it were impossible to speak in terms of exaggeration, was, for a period little short of half a century, the cherished and affectionate partner of his life and fortunes. She accompanied him in all his journeyings through this world of care, from which, by the dispensation of Providence, she had been removed only a few months before himself. The companion of his youth was the solace of his declining years, and to the close of life enjoyed the testimonial of his affection, that with the external beauty and elegance of deportment, conspicuous to all who were honored with her acquaintance, she united the more precious and endearing qualities which mark the fulfilment of all the social duties, and adorn with grace, and fill with enjoyment, the tender relations of domestic life.

After his retirement from service in the Confederation Congress, assuming, with a view to practice at the bar, a temporary residence at Fredericksburgh, he was almost immediately elected to a seat in the Legislature of Virginia ; and the ensuing year, to the Convention, summoned in that Commonwealth, to discuss and decide upon the Constitution of the United States.

Mr. Monroe was deeply penetrated with the con-

viction that a great and radical change, in the Articles of Confederation, was indispensable, even for the preservation of the Union. But, in common with Patrick Henry, George Mason, and many other patriarchs of the Revolution, his mind was not altogether prepared for that which was, in truth, a revolution far greater than the severance of the United American Colonies from Great Britain : a revolution accomplishing that which the Declaration of Independence had only conceived and proclaimed : substituting a Constitution of Government for a people, instead of a mere Confederation of States. So great and momentous was this change, so powerful the mass of patriotism and wisdom, as well as of interest, prejudice and passion, arrayed against it, that we should hazard little, in considering the final adoption and establishment of the Constitution, as the greatest triumph of pure and peaceful intellect, recorded in the annals of the human race. By the Declaration of Independence the people of the United States had assumed and announced to the world their united personality as a Nation, consisting of thirteen Independent States. They had thereby assumed the exercise of primitive sovereign power : that is to say, the sovereignty of the people. The administrative power of such a people, could, however, be exercised only by delegation.

Their first attempt was to exercise it by confining the powers of *government* to the separate members of the Union, and delegating only the powers of a *federacy* to the collective body. This experiment

was deliberately and thoroughly made and totally failed. In other ages and other climes the consequences of that failure would have been anarchy : complicated and long continued wars : perhaps, ultimately, one consolidated military monarchy—elective or hereditary : perhaps two or three confederacies—always militant ; with border wars, occasionally intermitted, with barrier treaties, impregnable fortresses, rivers hermetically sealed, and the close sea of a Pacific Ocean. One Standing Army would have bred its antagonist, and between them they would have engendered a third, to sit like chaos at the gates of Hell,

“ Umpire of the strife,  
And, by decision, more embroil the fray.”

Not so did the people of the North American Union. They adhered to their first experiment of Confederacy, till it was falling to pieces, in its immedicable weakness. After frequent, long and patient ineffectual struggles to sustain and strengthen it, a small and select body of them, by authority of a few of the State Legislatures, convened together to confer upon the evils which the country was suffering, and to consult upon the remedy to be proposed. This body advised the Assembly of a Convention, in which all the States should be represented. Eleven of them did so assemble, with Washington at their head ; with Franklin, Madison, Hamilton, King, Langdon, Sherman, John Rutledge, and compeers of fame, scarcely less resplendent, for members. They immediately per-

ceived that the Union, and a mere Confederacy, were incompatible things. They proposed, prepared and presented, for acceptance, a Constitution of Government for the whole people : a plan, retaining so much of the federative character, as to preserve, unimpaired, the independent and wholesome action of the separate State Governments ; and infusing into the whole body the vital energy necessary for free and efficient action upon all subjects of common interest and national concernment. This plan was then submitted to the examination, scrutiny and final judgment of the people, assembled by Representative Conventions, in every State of the Confederacy. To the small portion of my auditory, whose memory can retrace the path of time back to that eventful period, I appeal for the firm belief that, when that plan was first exhibited to the solemn consideration of the people, though presented by a body of men, enjoying a mass of public confidence far greater than any other, of equal numbers, then living, could have possessed, it was yet, by a considerable, not to say a large numerical majority, of the whole people, sincerely, honestly and heartily disapproved. It was disapproved, not only by all those who perseveringly adhered to the rejection of it, but by great numbers of those who reluctantly voted for accepting it ; considering it then as the only alternative to a dissolution of the union : and of those who voted for it, of its most ardent and anxious supporters, it may, with equal confidence be affirmed, that no one ever permitted his imagination to anticipate, or his

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hopes to conceive the extent of the contrast in the condition of the North American people under that new social compact, with what it had been under the Confederation which it was to supersede.

It was, doubtless, among the dispensations of a wise and beneficent Providence, that the severe and pertinacious investigation of this Constitution, as a whole, and in all its minutest parts, by the Convention of all the States, and in the admirable papers of the *Federalist*, should precede its adoption and establishment. It may be truly said to have passed through an ordeal of more than burning ploughshares. Never, in the action of a whole people, was obtained so signal a triumph of cool and deliberate judgment, over ardent feeling, and honest prejudices : and never was a people more signally rewarded for so splendid an example of popular self-control.

That Mr. Monroe, then, was one of those enlightened, faithful and virtuous patriots, who opposed the adoption of the Constitution, can no more detract from the eminence of his talents, or the soundness of his principles, than the project for the temporary abandonment of the right to navigate the Mississippi, can impair those of the eminent citizens of New York and Massachusetts, by whom that measure was proposed. During a Statesman's life, an estimate of his motives will necessarily mingle itself with every judgment upon his conduct, and that judgment will often be swayed more by the concurring or adverse passions of the observer, than by reason, or even by

the merits of the cause. Candor, in the estimate of motives, is rarely the virtue of an adversary ; but it is an indispensable duty before the definitive tribunal of posthumous renown.

When in the Legislature of Virginia, the question was discussed of the propriety of calling a State Convention to decide upon the Constitution of the United States, Mr. Monroe took no part in the debate. He then doubted of the course which it would be most advisable to pursue.—Whether to adopt the Constitution in the hope that certain amendments which he deemed necessary, would afterwards be obtained, or to suspend the decision upon the Constitution itself, until those amendments should have been secured. When elected to the Convention, he expressed those doubts to his constituents assembled at the polls ; but his opinion having afterwards and before the meeting of the Convention, settled into a conviction, that the amendments should precede the acceptance of the Constitution, he addressed to his constituents a letter, stating his objections to that instrument, which letter was imperfectly printed, and copies of it were sent by him to several distinguished characters, among whom were General Washington, Mr. Jefferson, and Mr. Madison, who viewed it with liberality and candor.

In the Convention, Mr. Monroe took part in the debate, and in one of his speeches entered fully into the merits of the subject. He was decidedly for a change, and a very important one, in the then existing system ; but the Constitution reported, had in his opinion



defects requiring amendment, which should be made before its adoption.

The Convention, however, by a majority of less than ten votes of one hundred and seventy, resolved to adopt the Constitution, with a proposal of amendments to be engrafted upon it. Such too, was the definitive conclusion in all the other States, although two of them lingered one or two years after it was in full operation by authority of all the rest, before their acquiescence in the decision.

By the course which Mr. Monroe had pursued on this great occasion, although it left him for a short time in the minority, yet he lost not the confidence either of the people or of the Legislature of Virginia. At the organization of the government of the United States, the first Senators from that State, were Richard Henry Lee and William Grayson. The decease of the latter in December, 1789, made a vacancy which was immediately supplied by the election of Mr. Monroe ; and in that capacity he served until May, 1794 when he was appointed, at the nomination of President Washington, Minister Plenipotentiary to the Republic of France.

The two great parties which so long divided the feelings and the councils of our common country, under the denominations of Federal and anti-Federal, originated with the Union.—The Union itself had been formed by the impulse of an attraction irresistible as the adamant of the magnet and scarcely less mystical. It was an union however of subject colonies, then

making no claim or pretension to sovereign power. But from the hour of the Declaration of Independence, it became necessary to provide for the perpetuity of the Union, and to organize the administration of its affairs. The extent of power to be conferred on the representative body of the Union, became from that instant an object of primary magnitude, dividing opinions and feelings. Union was desired by all—but many were averse even to a confederacy. They would have had a league or alliance, offensive and defensive, but not even a permanent confederacy or Congress. It was the party which anxiously urged the adoption of the Articles of *Confederation*, who thereby acquired the appellation of Federalists, as their adversaries were known by the name of Anti-Federalists. To show the influence of names over things, we may remark that when the Constitution of the United States was debated, it formed the first great and direct issue between the parties, which retained their names, but had in reality completely changed sides. The Federalists of the Confederacy had abandoned that sinking ship. They might then with much more propriety have been called Nationalists. The real Federalists were the opposers of the Constitution; for they adhered to the principle, and most of them would have been willing to amend the Articles of Confederation. This incongruity of name shortly afterwards became so glaring, that the Anti-Federalists laid theirs aside, and assumed the name sometimes of Republicans and sometimes of Demo-

crats. The name of *Republicans* is not a suitable denomination of a party of the United States, because it implies an offensive and unjust imputation upon their opponents, as if they were not also Republicans. The truth is, as it was declared by Thomas Jefferson, all are, and from the Declaration of Independence have been, Republicans. Speculative opinions in favor of a more energetic government on one side, and of a broader range of Democratic rule on the other, have doubtless been entertained by individuals, but both parties have been disposed to exercise the full measure of their authority when in power, and both have been equally refractory to the mandates of authority when out. In the primitive principles of the parties, the Federalists were disposed to consider the first principle of Society to be the preservation of order ; while their opponents viewed the benefit above all others in the enjoyment of liberty. The first explosion of the French Revolution, was cotemporaneous with the first organization of the government of the United States ; and France and Great Britain shortly afterwards involved in a war of unparalleled violence and fury. It was a war of opinions ; in which France assumed the attitude of champion for freedom, and Britain that of social order throughout the civilized world. While under these pretences, all sense of justice was banished from the councils and conduct of both ; and both gave loose to the frenzy of boundless ambition, rapacity and national hatred and revenge. The foundations of the great deep were

broken up. The two elementary principles of human society were arrayed in conflict with each other, and not yet, not at this hour is that warfare accomplished. Freedom and order were also the elementary principles of the parties in the American Union, and as they respectively predominated, each party sympathized with one or the other of the great European combatants. And thus the party movements in our own country became complicated with the sweeping hurricane of European politics and wars. The division was deeply seated in the cabinet of Washington.— It separated his two principal advisers, and he endeavored without success, to hold an even balance between them. It pervaded the councils of the Union, the two Houses of Congress, the Legislatures of the States, and the people throughout the land. The first partialities of the nation were in favor of France; prompted both by the remembrances of the recent war for American Independence, and by the impression then almost universal, that her cause was identified with that which had so lately been our own. But when Revolutionary France became one great army; when the first commentary upon her proclamations of freedom, and her disclaimer of conquest, was the annexation of Belgium to her territories; when the blood of her fallen monarch was but a drop of the fountains that spouted from her scaffolds; when the goddess of liberty, in her solemn processions, was a prostitute; when open atheism was avowed and argued in her hall of legislation, and the existence of

an Omnipotent God was among the DECREES of her National Convention, then horror and disgust took the place of admiration and hope in the minds of the American Federalists. Then France became to them an object of terror and dismay, and Britain, as her great and steadfast antagonist, the solitary anchor of their hope—the venerated bulwark of their religion.

At the threshold of the war, Washington, not without a sharp and portentous struggle in his cabinet, followed by sympathetic and convulsive throes, throughout the Union, issued a Proclamation of neutrality. Neutrality was the policy of his administration, but neutrality was not in the heart of any portion of the American people. They had taken their sides, and the Republicans and the Federalists had now become, each at least in the view of the other, a French and a British faction.

Nor was the neutrality of Washington more respected by the combatants in Europe, than it was congenial to the feelings of his countrymen. The champion of *freedom* and the champion of *order* were alike regardless of the rights of others. They trampled upon all neutrality from the outset. The press-gang, the rule of war of 1756, and the order in council, combined to sweep all neutral commerce from the ocean. The requisition, the embargo, and the maximum left scarcely a tatter of unplundered neutral property in France. Britain, without a blush, interdicted all neutral commerce with her enemy. France, under the dove-like banners of fraternity, sent an

envoy to Washington, with the fraternal kiss upon his lips, and the piratical commission in his sleeve ; with the pectoral of righteousness on his breast, and the trumpet of sedition in his mouth. Within one year from the breaking out of hostilities between Britain and France, the outrages of both parties upon the peaceful citizens of this Union, were such as would have amply justified war against either, and left to the government of Washington no alternative, but that or reparation. At the commencement of the war, the United States were represented in France and England by two of their most distinguished citizens, both, though in different shades, of the Federal school ; by Thomas Pinckney at London, and by Gouverneur Morris in France. The remonstrance of Mr. Pinckney against the frantic and reckless injustice of the British government, were faithful, earnest and indefatigable ; but they were totally disregarded. Mr. Morris had given irremissible offence to all the revolutionary parties in France, and his recall had been formally demanded. From a variety of causes, the popular resentments in America ran with a much stronger current against Britain than against France, and movements tending directly to war, were in quick succession following each other in Congress. Washington arrested them by the institution of a special mission to Great Britain. To give it at once a conciliatory character, and to impress upon the British government a due sense of its importance, the person

selected for this mission was John Jay, then Chief Justice of the United States.

James Monroe was shortly afterwards appointed Minister Plenipotentiary to the Republic of France. In the selection of him, the same principle of conciliation to the government near which he was accredited had been observed. But Washington was actuated also by a further motive of holding the balance between the parties at home by this appointment. Mr. Jay was of the Federal party, with a bias of inclination favorable to Britain; Mr. Monroe, of the party which then began to call itself the Republican party, inclining to favor the cause of Republican France. This party was then in ardent opposition to the general course of Washington's administration—and that of Mr. Monroe in the Senate had not been inactive. To conciliate that party too, was an object of Washington's most earnest solicitude. From among them he determined that the successor of Mr. Morris, in France, should be chosen, and the members of the Senate of that party were by him informally consulted to designate who of their number would, by receiving the appointment, secure for it their most cordial satisfaction. Their first indication was of another person. Him, Washington, from a distrust of individual character, declined to appoint. But he nominated Mr. Monroe, and the concurrence of the Senate in his appointment was unanimous. This incident, hitherto unknown to the public, has been followed by many consequences, some of them perhaps little sus-

pected, in our history. The discrimination of character in the judgment of the first President of the United States, is alike creditable to him and Mr. Monroe. It was not without hesitation that he availed himself of the preference in his favor, nor without the entire approbation of the party with whom he had acted, including even the individual who had been rejected by the prophetic prepossession of Washington.

The cotemporaneous missions of Mr. Jay to Great Britain, and of Mr. Monroe to France, are among the most memorable events in the history of this Union. There are in the annals of all nations occasions, when wisdom and patriotism, and the brightest candor and the profoundest sagacity, are alike unavailing for success. There are sometimes elements of discord, in the social relations of men, which no human virtue or skill can reconcile. Mr. Jay and Mr. Monroe, each within his own sphere of action, executed with equal ability the trust committed to him, in the spirit of his appointment and of his instructions. But neutrality was the duty and inclination of the American administration, and neutrality was what neither of the great European combatants might endure. In the long history of national animosities and hatreds between the French and British nations, there never was a period when they were tinged with deeper infusions of the wormwood and the gall, than at that precise point of time.

Each of the parties believed herself contending for her national existence; each proclaimed, perhaps be-



lieved, herself the last and only barrier, Britain against the subversion of social order, France against the subversion of freedom throughout the world.

Mr. Jay, in the fulfilment of his commission, concluded a Treaty with Great Britain, which established on immovable foundations, the neutrality proclaimed by Washington ; it reserved the faithful performance of all the previous engagements of the United States with France ; some of which were, in their operation at that time, not consonant with entire neutrality : but, in return for great concessions on the British side it yielded some points, also, which bore as little the aspect of neutrality in their operation upon France. Mr. Monroe, himself, favored the cause of France. Both Houses of Congress had passed Resolutions, scarcely consistent, at least, with impartiality, and Washington, under advice, perhaps over-swayed by the current of popular feeling, afterwards answered an address of the Minister of France, in words of like sympathy with her cause. Arriving in France, at the precise moment when the excesses of the revolutionary parties were on the turning spring tide of their highest flood, Mr. Monroe was received, with splendid formality, in the bosom of the National Convention, when not another civilized nation upon earth, had a recognized representative in France. He there declared, in perfect consistency with his instructions, the fraternal friendship of his country and her government, for the French people, and their devoted attachment to her cause, as the cause of freedom. The

President of the Convention answered him in language of equal kindness and cordiality ; though even then so little of real benevolence towards the United States, was there in the Committee of Public Safety, then the executive power of France, that it was to cut short their protracted deliberations, whether Mr. Monroe should be received at all, that he had addressed himself, in the face of the world, for an answer to that inquiry to the National Convention itself. Strong expressions of kindness are the ordinary commonplaces of the diplomatic intercourse between nations ; and, like the customary civilities of epistolary correspondence between individuals, they are never understood according to the full import of their meaning ; but extreme jealousy and suspicion at that time pervaded all the public councils of France.

She professed to be willing that the United States should preserve their neutrality, but she neither respected it herself nor acquiesced in the measures which it dictated. They were no sooner informed that Mr. Jay had signed a Treaty with Lord Grenville, than they began to press Mr. Monroe with importunities to be informed, even before it had been submitted to the American Government, of all its contents.

There is, perhaps, no position more awkward and distressing, than that of being compelled to reject an unreasonable request from those whose friendship it is important to retain ; for unreasonable requests are precisely those which will be urged with the greatest

pertinacity. To enable Mr. Monroe to decline indulging the Committee with a copy of the Treaty, before it was ratified, he was under the necessity of declining to receive a confidential communication of its contents from Mr. Jay. The difficulties of his situation became much greater after the Treaty had been ratified, and was made public. The people of the United States were so equally divided, with regard to the merits of the Treaty, that it became the principal object of contention between the parties, and they were bitterly exasperated against each other. The French Government, which, during the progress of these events, had passed from a frantic Committee of Public Safety, to a profligate Executive Directory, took advantage of these dissensions in the American Union. They suspended the operation of the Treaties existing between the United States and France ; they issued orders for capturing all American vessels, bound to British ports, or having property of their enemies on board ; their diplomatic correspondence exhibited a series of measures, alike injurious and insulting to the American Government ; and they recalled their Minister from the United States, without appointing a successor. It was, perhaps, rather the misfortune of all, than the fault of any one, that the views of Mr. Monroe, with regard to the policy of the American Administration, did not accord with those of President Washington. He thought that France had just cause of complaint ; and, called to the painful and inviolous task of defending and justifying that which he

personally disapproved, although he never, for a moment, forgot the duties of his station, it was, perhaps, not possible that he should perform them entirely to the satisfaction of his Government. He was recalled, towards the close of Washington's administration, and Charles Cotesworth Pinckney was appointed in his place.

To the history of our subsequent controversies with France, until the peace of Amiens, it will not be necessary for me to advert. Upon Mr. Monroe's return to the United States, the administration had passed from the hands of President Washington, into those of his successor. In vindication of his own character, Mr. Monroe felt himself obliged to go before the tribunal of the public, and published his "View of the conduct of the Executive in the Foreign affairs of the United States, connected with the mission to the French Republic, during the years 1794, '95 and '96.

Upon the propriety of this step, as well as with regard to the execution of the work, opinions were, at the time, and have continued, various. The policy of Washington, in that portentous crisis in human affairs, is, in the main, now placed beyond the reach of criticism. It is sanctioned by the nearly unanimous voice of posterity. It will abide, in unfading lustre, the test of after ages. Nor will the well-earned fame of Mr. Monroe, for distinguished ability, or pure integrity, suffer from the part which he acted in these transactions. In the fervor of political contentions,

personal animosities belong more to the infirmities of man's nature than to individual wrong, and they are unhappily sharpened in proportion to the sincerity with which conflicting opinions are avowed. It is the property of wise and honorable minds, to lay aside these resentments, and the prejudices flowing from them, when the conflicts, which gave rise to them, have passed away. Thus it was that the great orator, statesman, and moralist, of antiquity, when reproached for reconciliation with a bitter antagonist, declared that he wished his enemies to be transient, and his friendships immortal. Thus it was, that the congenial mind of James Monroe, at the zenith of his public honors, and in the retirement of his latest days, cast off, like the suppuration of a wound, all the feelings of unkindness, and all the severities of judgment, which might have intruded upon his better nature, in the ardor of civil dissension. In veneration for the character of Washington, he harmonized with the now unanimous voice of his country; and he has left recorded, with his own hand, a warm and unqualified testimonial to the pure patriotism, the pre-eminent ability and the spotless integrity of John Jay.

That neither the recall of Mr. Monroe, from his mission to France, nor the publication of his volume, had any effect to weaken the confidence reposed in him by his fellow citizens, was manifested by his immediate election to the Legislature, and soon afterwards to the office of Governor of Virginia, in which

he served for the term, limited by the Constitution, of three years. In the mean time, the Directory of France, with its Council of Five Hundred, and its Council of Elders, had been made to vanish from the scene, by the magic talisman of a soldier's sword. The Government of France, in point of form, was administered by a Triad of Consuls : in point of fact, by a successful warrior, then Consul for life : hereditary Emperor and King of Italy ; with a forehead, burning for a diadem ; a soul inflated by victory ; and an imagination, fired with visions of crowns and sceptres, in prospect before him.—He had extorted, from the prostrate imbecility of Spain, the province of Louisiana, and compelled her, before the delivery of the territory to him, to revoke the solemnly stipulated privilege, to the citizens of the United States, of a deposit at New Orleans. A military colony was to be settled in Louisiana, and the materials, for an early rupture with the United States, were industriously collected. The triumph of the Republican party, here, had been marked by the election of Thomas Jefferson to the Presidency : just before which, our previous controversies with France had been adjusted by a Treaty of Amity and Commerce, and shortly after which, a suspension of arms, between France and Britain, had been concluded, under the fallacious name of a Peace at Amiens. The restless spirit of Napoleon, inflamed, at the age of most active energy in human life, by the gain of fifty battles, dazzling with a splendor, then unrivalled but by the renown

of Cæsar, breathing, for a moment, in the midway path of his career, the conqueror of Egypt, the victor of Lodi, and of Marengo, the trampler upon the neck of his country, her people, her legislators, and her constitution, was about to bring his veteran legions, in formidable proximity to this Union. The transfer of Louisiana to France, the projected military colony, and the occlusion, at that precise moment, of the port of New Orleans, operated like an electric shock, in this country. The pulse of the West beat, instantaneously, for war : and the antagonists of Mr. Jefferson, in Congress, sounded the trumpet of vindication to the rights of the nation ; and, as they perhaps flattered themselves, of downfall to his administration. In this crisis, Mr. Jefferson, following the example of his first predecessor, on a similar occasion, instituted a special and extraordinary mission to France ; for which, in the name of his country, and of the highest of human duties, he commanded, rather than invited, the services and self devotion of Mr. Monroe. Nor did he hesitate to accept the perilous, and, at that time, most unpromising charge. He was joined, in the Commission Extraordinary, with Robert R. Livingston, then resident Minister Plenipotentiary, from the United States, in France, well known as one of the most eminent leaders of our Revolution. Mr. Monroe's appointment was made on the eleventh of January, 1803 ; and, as Louisiana was still in the possession of Spain, he was appointed also, jointly with Charles Pinckney, then Minister Plenipotentiary of

the United States at Madrid, to an Extraordinary Mission to negotiate, if necessary, concerning the same interest there. The intended object of these negotiations was to acquire, by purchase, the island of New Orleans, and the Spanish territory, east of the Mississippi. Mr. Livingston had, many months before, presented to the French Government a very able memorial, showing, by conclusive arguments, that the cession of the Province to the United States, would be a measure of wise and sound policy, conducive not less to the true interests of France than to those of the Federal Union. At that time, however, the memoir was too widely variant from the wild and gigantic project of Napoleon.

How often are we called, in this world of vicissitudes, to testify that

“There’s a Divinity, who shapes our ends,  
Rough hew them how we will.”

When Mr. Monroe arrived in France, all was changed in the Councils of the Tuileries. The volcanic crater was re-blazing to the skies. The war between France and Britain was rekindling, and the article of most immediate urgency to the necessities of the first consul was money. The military colony of twenty thousand veterans already assembled at Helovet-Sluis to embark for Louisiana, received another destination. The continent of America was relieved from the imminent prospect of a conflict with the modern Alexander, and Mr. Monroe had scarcely



reached Paris, when he and his colleague were informed that the French Government had resolved, for an adequate compensation in money, to cede to the United States the whole of Louisiana. The acquisition, and the sum demanded for it, transcended the powers of the American Plenipotentiaries, and the amount of the funds at their disposal ; but they hesitated not to accept the offer. The negotiation was concluded in a fortnight. The ratification of the treaty, with those of a convention appropriating part of the funds created by it to the adjustment of certain claims of citizens of the United States upon France, were within six months exchanged at Washington, and the majestic valley of the Mississippi, and the Rocky Mountains, and the shores of the Pacific Ocean became integral parts of the North American Union.

From France, immediately after the conclusion of the treaties, Mr. Monroe proceeded to England, where he was commissioned as the successor of Rufus King in the character of Minister Plenipotentiary of the United States. Mr. King was, at his own request, returning to his own country, after a mission of seven years, in which he had enjoyed the rare advantage of giving satisfaction alike to his own government, and to that to which he was accredited. Mr. Monroe carried with him the same dispositions, and had the temper of the British government continued to be marked with the same good humor and moderation which had prevailed during the mission

of Mr. King, that of Mr. Monroe would have been equally successful. But with the renewal of the war revived the injustice of belligerent pretensions, followed by the violence of belligerent outrages upon neutrality. After the conclusion of the treaty with Mr. Jay, and especially towards the close of the preceding war, the British government had gradually abstained from the exercise of those outrages which had brought them to the verge of a war with the United States, and at the issue of a correspondence with Mr. King, had disclaimed the right of interference with the trade between neutral ports and the colonies of her enemies. Just before the departure of Mr. King, a convention had been proposed by him in which Britain abandoned the pretension of right to impress seamen, which failed only by a captious exception for the narrow seas, suggested by a naval officer, then at the head of the admiralty. But after the war recommenced, the odious pretensions and oppressive practices of unlicensed rapine returned in its train. In the midst of his discussions with the British government on these topics, Mr. Monroe was called away to the discharge of his extraordinary mission to Spain.

In the retrocession of Louisiana, by France to Spain, no limits of the province had been defined. It was retroceded with a reference to its original boundaries as possessed by France, but those boundaries had been a subject of altercation between France and Spain, from the time when Louis the 14th had made

a grant of Louisiana to Crozat. Napoleon took this retrocession of the province, well aware of the gordian knot with which it was bound, and fully determined to sever it with his accustomed solvent, the sword. His own cession of the province to the United States, however, relieved him from the necessity of resorting to this expedient, and proportionably contracted in his mind the dimensions of the province.—He ceded Louisiana to the United States without waiting for the delivery of possession to himself, and used with regard to the boundary in his grant, the very words of the conveyance to him by Spain. The Spanish Government solemnly protested against the cession of Louisiana to the United States, alleging that in the very treaty by which France had reacquired the province, she had stipulated never to cede it away from herself. Soon admonished, however, of her own helpless condition, and encouraged to transfer her objections from the cession to the boundary, she withdrew her protest against the whole transaction, and took ground upon the disputed extent of the province. The original claim of France had been from the Perdido East to the Rio Bravo West of the Mississippi. Mobile had been originally a French settlement, and all West Florida, was as distinctly within the claim of France, as the mouth of the Mississippi first discovered by La Salle. Such was the understanding of the American Plenipotentiaries, and of Congress, who accordingly authorized President Jefferson to establish a collection district on

the shores, waters and inlets of the bay and river Mobile, and of rivers both East and West of the same. But Spain on her part reduced the province of Louisiana to little more than the Island of New Orleans. She assumed an attitude menacing immediate war; refused to ratify a convention made under the eye of her own Government at Madrid, for indemnifying citizens of the United States, plundered under her authority during the preceding war; harassed and ransomed the citizens of the Union and their property on the waters of Mobile; and marched military forces to the borders of the Sabine, where they were met by troops of the United States, with whom a conflict was spared only by a temporary military convention between the respective commanders. It was at this emergency that Mr. Monroe proceeded from London to Madrid to negotiate together with Mr. Pinckney, upon this boundary, and for the purchase of the remnant of Spain's title to the territory of Florida. He passed through Paris on his way, precisely at the time to witness the venerable Pontiff of the Roman Church invest the brows of Napoleon with the hereditary imperial Crown of France, in the Cathedral of Notre Dame. While in Paris, Mr. Monroe addressed to the then Minister of Foreign Affairs, Talleyrand, a letter reminding him of a promise somewhat indefinite, at the time of the cession of Louisiana, that the good offices of France, in aid of a negotiation with Spain for the acquisition of Florida should be yielded: stating that he was on his way to Madrid to enter

upon that negotiation, and claiming the fulfilment of that promise of France. He also presented the view taken by the government of the United States, that the limits of Louisiana as ceded by France to them extended from the Perdido to the Rio Bravo.—This letter was promptly answered by the Minister Talleyrand, with an earnest argument in behalf of the *Spanish* claim of boundary Eastward of the Mississippi, but expressing no opinion with regard to her pretensions Westward of that river. His Imperial Majesty had discovered, not only that West Florida formed no part of the Territory of Louisiana ; but that he never had entertained such an idea, nor imagined that a retrocession of the province as it had been possessed by France, could include the District of Mobile. This argument was pressed with so much apparent candor and sincerity, that it may give interest to the anecdote which I am about to relate as a commentary upon it. It happened that a member of the Senate of the United States was at New Orleans, when the Commissioner of Napoleon authorized to receive possession of the province arrived there, and before the cession to the United States. This Commissioner in conversation with the American Senator, told him that the military colony from France might be soon expected. That there was perhaps some difference of opinion between the French and Spanish governments as to the boundary ; but that when the colony arrived, his orders were quietly to take possession to the Perdido and leave the diversities of

opinion to be afterwards discussed in the Cabinet. This anecdote was related on the floor of the Senate of the United States, by the member of that body who had been a party to the conversation.

But with this forgetful change of opinion in the new crowned head of the Imperial Republic, there was little prospect of success for the mission of Mr. Monroe at Madrid ; to which place he proceeded. There in the space of five months, together with his colleague Charles Pinckney, he unfolded the principles, and discussed the justice of his country's claim, in correspondence and conferences with the Prince of the Peace, and Don Pedro Cevallos, with great ability, but without immediate effect. The questions which Napoleon would have settled by the march of a detachment from his military colony, was to abide their issue by the more lingering, and more deliberate march of time. The state papers which passed at that stage of the great controversy with Spain, remained many years buried in the archives of the governments respectively parties to it. They have since been published at Washington ; but so little of attraction have diplomatic documents of antiquated date, even to the wakeful lovers of reading, that in this enlightened auditory how many—might I not with more propriety inquire how few there are, by whom they have ever been perused ? It is nevertheless due to the memory of Mr. Monroe and of his colleague to say that among the creditable state papers of this nation they will rank in the highest order :—that they de-

serve the close and scrutinizing attention of every American statesman, and will remain solid, however unornamented, monuments of intellectual power applied to national claims of right, in the land of our fathers and the age which has now passed away.

In June, 1805, Mr. Monroe returned to his post at London, where new and yet more arduous labors awaited him. A new ministry, at the head of which Mr. Pitt returned to power, had succeeded the mild but feeble administration of Mr. Addington, and Lord Mulgrave as Minister for Foreign Affairs, had taken the place of the Earl of Harrowby. The war between French and British ambition was spreading over Europe, and Napoleon, by threats and preparations, and demonstrations of a purposed invasion of Great Britain, had aroused the spirit of that island to the highest pitch of exasperation. Conscious of their inability to contend with him upon the continent of Europe, confident in their unquestionable but not then unquestioned supremacy over him upon the ocean, the British government saw with an evil eye, the advantages which the neutral nations were deriving from their commercial intercourse with France and her allies. Little observant of any principle but that of her own interest, British policy then conceived the project of substituting a forced commerce between her own subjects and their enemies, by annihilating the same commerce enjoyed by her enemies through the privileged medium of the neutral flag. In her purposes of manifesting for her own benefit the superiority of her

power upon the seas, British policy, has, as her occasions serve, a choice of expedients. In the present instance, for the space of two full years, she had suffered neutral navigation to enjoy the benefit of principles in the law of nations, formerly recognized by herself, in the correspondence between Mr. King and Lord Hawkesbury, shortly before the close of the preceding war. In the confidence of this recognition, the commerce and navigation of the United States had grown and flourished beyond all former example, and the ocean whitened with their canvas. Suddenly, as if by a concerted signal throughout the world of waters which encompass the globe, our hardy and peaceful, though intrepid mariners, found themselves arrested in their career of industry and skill ; seized by the British cruizers ; their vessels and cargoes conducted into British ports, and by the spontaneous and sympathetic illumination of British Courts of Vice Admiralty, adjudicated to the captors, because they were engaged in a trade with the enemies of Britain to which they had not usually been admitted in time of peace. Mr. Monroe had scarcely reached London when he received a report from the Consul of the United States, at that place, announcing that about twenty of their vessels, had, within a few weeks, been brought into the British ports on the Channel, and that by the condemnation of more than one of them, the Admiralty Court had settled *the principle*.

And thus was revived the stubborn contest between neutral rights and belligerent pretensions, which had



sown, for so many years, thickets of thorns in the path of the preceding administrations ; which Washington had with infinite difficulty avoided, and which his successor had scarcely been fortunate enough to avoid. And from that day to the peace of Ghent, the biography of James Monroe is the history of that struggle, and in a great degree the history of this nation—an eventful period in the annals of mankind ; a deeply momentous crisis in the affairs of our Union. A rapid sketch of the agency of Mr. Monroe in several successive and important stations, through the series of vicissitudes, is all that the occasion will permit, and more, I fear, than the time accorded by the indulgence of my auditory will allow. The controversy was opened by a note of mild, but indignant remonstrance from Mr. Monroe to the Earl of Mulgrave, answered by that nobleman verbally, with excuse, apology, qualified avowal, equivocation, and a promise of written discussion, which never came. Mr. Pitt died ; his ministry was dissolved, and he was succeeded as the head of the administration, by the great rival and competitor of his fame, Charles Fox. In the meantime the navies of France and Spain had been annihilated at Trafalgar, and the imperial crowns of Muscovy and of Austria, had cowered under the blossoming sceptre of the soldier of fortune at Austerlitz. Mr. Fox, liberal in his principles, but trammelled by the passions, prejudices, and terrors of his countrymen and his colleagues, disavowed the new practice of capturing neutrals, and the new principles in the

Admiralty Courts which had so simultaneously made their appearance : but Mr. Fox issued a paper blockade of the whole coast, from the Elbe to Brest. He revoked the orders under which the British cruizers had swept the seas, and released the vessels already captured, upon which the sentence of the Admiralty had not been passed, but he demurred to the claim of indemnity for adjudications already consummated. Of the excitement and agitation, raised in our country by this inroad upon the laws of nations and upon neutral commerce, an adequate idea can now scarcely be conceived. The complaints, the remonstrances, the appeals for protections to Congress, from the plundered merchants, rung throughout the Union. A fire spreading from Portland to New Orleans, would have scarcely been more destructive. Memorial upon memorial, from all the cities of the land, loaded the tables of the Legislative Halls, with the cry of distress and the call upon the national arm for defence, restitution and indemnity. Mr. Jefferson instituted again a special and extraordinary mission to London, in which William Pinckney, perhaps the most eloquent of our citizens then living, was united with Mr. Monroe. Had Mr. Fox lived, their negotiation might have been ultimately successful. While he lived, the cruizers upon the seas, and the Admiralty Courts upon the shores, suspended their concert of depredation upon the American commerce, and a treaty was concluded between the Ministers of our country, and Plenipotentiaries selected by Mr. Fox, which, with subsequent modifi-

cations, just and reasonable, suggested on our part, might have restored peace and harmony, so far as it can subsist, between emulous and rival nations. As transmitted to this country, however, the treaty was deemed by Mr. Jefferson not to have sufficiently provided against the odious impressment of our seamen, and it was clogged with the declaration of the British Plenipotentiaries, delivered after the signature of the treaty, suspending the obligation upon an extraneous and inadmissible condition. Mr. Jefferson sent back the treaty for revisal, but the mature and conciliatory spirit of Fox, was no longer to be found in the councils of Britain. It had been succeeded by the dashing and flashy spirit of George Canning. He refused to resume the negotiation. Under the auspices, not of positive orders, but of the well known *temper* of his administration, Berkley committed the unparalleled outrage upon the Chesapeake—disavowed, but never punished. Then came the orders in council of November, 1807: the proclamation to sanction man-stealing from American merchantmen by royal authority; and the mockery of an olive branch in the hands of George Rose—our embargo; the liberal and healing arrangement of David Erskine, disavowed by his government as soon as known—but not unpunished; a minister fresh from Copenhagen, sent to administer the healing medicine for Erskine's error, in the shape of insolence and defiance. Insult and injury followed each other in foul succession, till the smiling visage of Peace herself flushed with resentment,

and the Representatives of the nation responded to the loud and indignant call of their country for *war*. When the British government refused to resume the negotiation of the treaty, the Extraordinary Mission in which Monroe and Pinckney had been joined, was at an end. Mr. Monroe, even before the commencement of that negotiation, had solicited and obtained permission to return home—a determination, the execution of which had by that special joint mission been postponed. He suffered a further short detention, in consequence of the exploit of Admiral Berkley upon the Chesapeake and returned to the United States at the close of the year 1807. After a short interval passed in the retirement of private life, he was again elected Governor of Virginia, and upon the resignation of Robert Smith, was, in the spring of 1811, appointed by President Madison, Secretary of State. This office he continued to hold during the remainder of the double Presidential term of Mr. Madison, with the exception of about six months at the close of the late war with Great Britain, when he discharged the then still more arduous duties of the War Department. On the return of peace he was restored to the Department of State ; and on the retirement of Mr. Madison in 1817, he was elected President of the United States—re-elected without opposition in 1821. On the third of March, 1825, he retired to his residence in Loudon county, Virginia. Subsequent to that period, he discharged the ordinary judicial functions of a magistrate of the county, and of curator of the

University of Virginia. In the winter of 1829 and 1830, he served as a member of the Convention called to revise the Constitution of that Commonwealth; and took an active part in their deliberations, over which he was unanimously chosen to preside. From this station, he was, however, compelled, before the close of the labors of the Convention, by severe illness, to retire. The succeeding summer, he was, in the short compass of a week, visited by the bereavement of the beloved partner of his life, and of another near, affectionate and respected relative. Soon after these deep and trying afflictions, he removed his residence to the city of New York; where, surrounded by filial solicitude and tenderness, the flickering lamp of life held its lingering flame, as if to await the day of the nation's birth and glory; when the soldier of the Revolution, the statesman of the Confederacy, the chosen chieftain of the constituted nation, sunk into the arms of slumber, to awake no more upon earth, and yielded his pure and gallant spirit to receive the sentence of his Maker.

Of the twenty years, which intervened between his first appointment, as Secretary of State, and his decease, to give even a summary, would be to encroach beyond endurance upon your time. He came to the Department of State at a time when war, between the United States and Great Britain, was impending and unavoidable. It was a crisis in the affairs of this Union full of difficulty and danger. The Constitution had never before been subjected to the trial of a for-

midable foreign war ; and one of the greatest misfortunes, which attended it, was the want of unanimity in the country for its support. This is not the occasion to revive the dissensions which then agitated the public mind. It may suffice to say that, until the war broke out, and during its continuance, the duties of the offices held by Mr. Monroe, at the head, successively, of the Departments of State and War, were performed with untiring assiduity, with universally acknowledged ability, and, with a zeal of patriotism, which counted health, fortune, and life itself, for nothing, in the ardor of self devotion to the cause of his country. It is a tribute of justice to his memory to say, that he was invariably the adviser of energetic counsels ; nor is the conjecture hazardous, that, had his appointment to the Department of war, preceded, by six months, its actual date, the heaviest disaster of the war, heaviest, because its remembrance must be coupled with the blush of shame, would have been spared as a blotted page in the annals of our Union. It should have been remembered, that, in war, heedless security, on one side, stimulates desperate expedients on the other ; and that the enterprise, surely fatal to the undertaker, when encountered by precaution, becomes successful achievement over the helplessness of neglected preparation. Such had been the uniform lesson of experience in former ages ; such had it, emphatically, been in our own Revolutionary War. Strange, indeed, would it appear, had it been forgotten by one who had so gloriously and so dearly

purchased it at Trenton. By him it was not forgotten : nor had it escaped the calm and deliberate foresight of the venerable patriot, who then presided in the executive chair ; and, at this casual and unpremeditated remembrance of him, bear with me, my fellow citizens, if, pausing for a moment from the contemplation of the kindred virtues of his successor, copatriot, and friend, I indulge the effusion of gratitude, and of public veneration, to share in your gladness, that he yet lives—lives to impart to you, and to your children, the priceless jewel of his instruction : lives in the hour of darkness, and of danger, gathering over you, as if from the portals of eternity, to enlighten, and to guide.

Among the severest trials of the war, was the deficiency of adequate funds to sustain it, and the progressive degradation of the national credit. By an unpropitious combination of rival interests, and of political prejudices, the first Bank of the United States, at the very outset of the war, had been denied the renewal of its charter : a heavier blow of illusive and contracted policy, could scarcely have befallen the Union. The polar star of public credit, and of commercial confidence, was abstracted from the firmament, and the needle of the compass wandered at random to the four quarters of the heavens. From the root of the fallen trunk, sprang up a thicket of perishable suckers—never destined to bear fruit : the offspring of summer vegetation, withering at the touch of the first winter's frost. Yet, upon them was our country

doomed to rely : it was her only substitute for the shade and shelter of the parent tree. The currency soon fell into frightful disorder : Banks, with fictitious capital, swarmed throughout the land, and spunged the purse of the people, often for the use of their own money, with more than usurious extortion. The solid Banks, even of this metropolis, were enabled to maintain their integrity, only by contracting their operations to an extent ruinous to their debtors, and to themselves. A balance of trade, operating like universal fraud, vitiated the channels of intercourse between North and South : and the Treasury of the Union was replenished only with countless millions of silken tatters, and unavailable funds : chartered corporations, bankrupt, under the gentle name of suspended specie payments, and without a dollar of capital to pay their debts, sold, at enormous discounts, the very evidence of those debts ; and passed off, upon the Government of their country, at par, their rags—purchasable, in open market, at depreciations of thirty and forty per cent. In the meantime, so degraded was the credit of the nation, and so empty their Treasury, that Mr. Monroe, to raise the funds indispensable for the defence of New Orleans, could obtain them only by pledging his private individual credit, as subsidiary to that of the nation. This he did without an instant of hesitation, nor was he less ready to sacrifice the prospects of laudable ambition, than the objects of personal interest, to the suffering cause of his country.



Mr. Monroe was appointed to the Department of War, towards the close of the campaign of 1814. Among the first of his duties, was that of preparing a general plan of military operations for the succeeding year : a task rendered doubly arduous by the peculiar circumstances of the time. When the war, between the United States and Britain, had first kindled into flame, Britain, herself, was in the convulsive pangs of a struggle, which had often threatened her existence as an independent nation—in the twentieth year of a war, waged with agonizing exertions, which had strained, to the vital point of endurance, all the sinews of her power, and absorbed the resources, not only of her people then on the theatre of life, but of their posterity, for long after-ages. In the short interval of two years, from the commencement of her war with America, in a series of those vicissitudes by which a mysterious Providence rescues its impenetrable decrees from the presumptuous foresight of man, Britain had transformed the mightiest monarchies of Europe, from inveterate enemies into devoted allies ; and, in the metropolis of her most dreaded, and most detested foe, was dictating to him terms of humiliation, and lessons of political morality. The war had terminated in her complete and unqualified triumph ; her numerous victorious veteran legions, flushed with the glory, and stung with the ambition of long-contested, and hard-earned, success, were turned back upon her hands, without occupation for their enterprise, eager for new fields of battle, and new rewards

of achievement. Ten thousand of these selected warriors had already been detached from her multitudes in arms, commanded by a favorite lieutenant, and relative of Wellington, to share in the beauty and booty of New Orleans, and to acquire, for a time which her after-consideration and interest were to determine, the mastery of the Mississippi, his waters, and his shores. The fate of this gallant host, sealed in the decrees of heaven, had not then been consummated upon earth. They had not matched their forces with the planters and ploughmen of the western wilds—nor learnt the difference between a struggle with the servile and mercenary squadrons of a military conqueror, and a conflict with the freeborn defenders of their firesides, their children, and their wives. Besides that number of ten thousand, she had myriads more at her disposal—burdens at once upon her gratitude and her revenues, and to whom she could furnish employment and support, only by transporting them to gather new laurels, and rise to more exalted renown upon the ruins of our Union.

Such was the state of affairs, and such the prospects of the coming year, when immediately after the successful enterprise of the enemy upon the metropolis, Congress was convened upon the smoking ruins of the Capitol, and Mr. Monroe was called, without retiring from the duties of the Department of State, to assume in addition to them, those of presiding over the Department of War. Such was the emergency for which it became his duty to prepare and

mature plans of military operations. It is obvious that they must be far beyond the range of the ordinary means and resources on which the government of the Union had been accustomed to rely. They were such as to call forth not only the voluntary but the unwilling and reluctant hand of the citizen to defend his country. They summoned the Legislative voice of the Union to *command* the service of her sons. The army, already authorized by Acts of Congress had risen in numbers to upwards of sixty thousand men : Mr. Monroe proposed to increase it to one hundred thousand, besides auxiliary military force ; and, in addition to all the usual allurements to enlistment, to levy all deficiencies of effective numbers, by drafts upon the whole body of the people. This resort, though familiar to the usages of our own revolutionary war, was now in the clamors of political opposition, assimilated to the conscriptions of revolutionary France, and of Napoleon. It was obnoxious not only to the censure of all those who disapproved the war, but to the indolent, the lukewarm and the weak. It sent the recruiting officer to ruffle the repose of domestic retirement. It authorized him alike to unfold the gates to the magnificent mansion of the wealthy, and to lift the latch of the cottage upon the mountains. It sounded the trumpet in the nursery. It rang "to arms" in the bed-chamber. Mr. Monroe was perfectly aware that the recommendation to Congress of such a plan, must at least for a time deeply affect the personal popularity of the proposer.

He believed it to be necessary, and indispensable to the triumph of the cause. The time for the people to prepare their minds for fixing the succession to the presidential chair was approaching. Mr. Monroe was already prominent among the names upon which the public sentiment was now concentrating itself as a suitable candidate for the trust. It was foreseen by him, that the purpose of defeating the plan, would connect itself with the prospects of the ensuing presidential election, and that the friends of rival candidates, otherwise devoted to the most energetic prosecution of the war, might take a direction adverse to the adoption of the plan, not from the intrinsic objections against it, but from the popular disfavor which it might shed upon its author. After consultation with some of his confidential friends, he resolved in the event of the continuance of the war, to withdraw his name at once from the complicated conflicts of the canvass, by publicly declining to stand a candidate for election to the presidency. He had already authorized one or more persons distinguished in the councils of the Union, to announce this as his intention, which would have been carried into execution, but that the motives by which it was dictated, were suspended by the conclusion of the peace.

That event was the era of a new system of policy, and new divisions of parties in our federal Union. It relieved us from many of the most inflammatory symptoms of our political disease. It disengaged us from all sympathies with foreigners predominating over

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those due to our own country. We have now, neither in the hearts of personal rivals, nor upon the lips of political adversaries, the reproach of devotion to a French or a British faction. If we rejoice in the triumph of European arms, it is in the victories of the cross over the crescent. If we gladden with the native countrymen of Lafayette or sadden with those of Pulaski and Kosciusko, it is the gratulation of freedom rescued from oppression, and the mourning of kindred spirits over the martyrs to their country's independence. We have no sympathies but with the joys and sorrows of patriotism ; no attachments but to the cause of liberty and of man.

The first great object of national policy, upon the return of peace, was the redemption of the Union from fiscal ruin. This was in substance accomplished during the remnant of Madison's administration, principally by the re-establishment of a National Bank, with enlarged capacities and capital : enacted by Congress under the recommendation of the Executive, not through the Department, but with the concurrence of Mr. Monroe. He upon the cessation of the war, had retired from the easy though laborious duties of its department, and devoted all his faculties to the political intercourse of the nation with all others. There was a remnant of war with the pirates of Algiers, to which the gallant and lamented Decatur carried peace and freedom from tribute forever, at the mouth of the cannon of a single frigate. There were grave and momentous negotiations of commerce,

of fisheries, of boundary, of trade with either India, of extinction to the slave trade, of South American freedom, of indemnity for enticed and depredated slaves, with Great Britain ; others on various topics scarcely less momentous with France, with Spain, with Sweden ; and with almost every nation of Europe there were claims unadjusted for outrages, and property plundered *upon the seas*, or, with more shameless destitution of any just or lawful pretext, in their own ports. There was a system of policy to be pursued with regard to the embryo states of Southern America, combining the fulfilment of the duties of neutrality, with the rightful furtherance of their emancipation.

Turning from the foreign to the domestic interests of the united republic, there were objects rising to contemplation not less in grandeur of design ; not less arduous in preparation for the effective agency of the national councils.

The most painful, perhaps the most profitable lesson of the war was the primary duty of the nation to place itself in a state of permanent preparation for self-defence. This had been the doctrine and the creed of Washington, from the first organization of the government. It had been encountered by opposition so determined and persevering, sustained by prejudices so akin to reason and by sensibilities so natural to freemen, that all the influence of that great and good man, aided by the foresight, and argument and earnest solicitude of his friends to carry it into

effect, had proved abortive. An extensive and expensive system of fortification upon our shores ; an imposing and well constituted naval establishment upon the seas, had been urged in all the ardor and sincerity of conviction by the federalists of the Washington school, not only without producing upon the majority of the nation the same conviction, but with the mortification of having their honest zeal for the public welfare turned as an engine of personal warfare upon themselves. By the result of this course of popular feelings, it happened that when the war in all its terrors and all its dangers came, it was to be managed and supported by those who to the last moment preceding it, had resisted, if not all, at least all burdensome and effective preparation for meeting it. A solemn and awful responsibility was it, that they incurred ; and with brave and gallant bearing did they pass through the ordeal which they had defied. Well was it for them that a superintending Providence shaped the ends, rough-hewn by them ; but it produced conviction upon their minds ; and it overcame the repugnances of the people. A combined system of efficient fortification arming the shores and encircling the soil of the republic, and the gradual establishment of a powerful navy, were from the restoration of the peace unto his latest hour, among the paramount and favorite principles in the political system of Mr. Monroe for the government of the Union. In these objects, he had the good fortune to be supported as well by the opinions of his immediate predecessor, as by

the predominant sentiments of the people. The system in both its branches was commenced in the administration and with the full concurrence of Mr. Madison. It has continued without vital modification to this day. May it live and flourish through all the political conflicts, to which you may be destined hereafter, and survive your children's children, till augury becomes presumption.

There was yet another object of great and national interest, brought conspicuously into view by the war, which pressed its unwieldy weight upon the Councils of the Union, from the conclusion of the peace. It was the adaptation of the just and impartial action of the federal government to the various interests of which the Union is composed, with regard to revenue, to the payment of the public debt, to the industrious pursuits of the farmer and planter, of the pioneers of the wilderness, of the merchant and navigator, of the manufacturer and mechanic, and of the intellectual laborer of the mind, including all the learned professions and teachers of literature, religion and morals. To all this, a system of legitimate and equal governmental action was to be adapted ; and vast and comprehensive as the bare statement of it will present itself to your minds, it was rendered still more complicated by the necessity of accommodating it to the adverse operation upon the same interests of foreign and rival legislation through the medium of commercial intercourse with our country. At the very moment of the peace the occasion was seized of tender-



ing to *all* the commercial nations of Europe a system of intercourse founded upon entire reciprocity, and a liberal and perfect equalization of impost and tonnage duties. This offer was very partially accepted, but has gradually extended itself to several of the European nations, and to all those of Southern America. It is yet incomplete, and its destiny hereafter is uncertain. It must perhaps ever so remain, as it must forever depend upon the enduring and concurrent will of other independent nations. The fair, the free, the fraternal system is that of entire reciprocity ; and as the principles flowing from these impulses speed their progress in the civilization of man, there are grounds for hope that they may in process of time, universally prevail.

But there were other interests of high import calling for the legislative action to support them. The war had cut off the supply to a great extent of many articles of foreign manufacture, of universal consumption, and necessary for the enjoyment of the comforts of life. This had necessarily introduced large manufacturing establishments, to which the application of heavy masses of capital had been made. The competition of foreign manufactures of the same articles, aided by bounties and other encouragements from their own governments, would have crushed in their infancy all such establishments here, had they not been supported by some benefaction from the authority of the Union. The adventurer in the Western territories needed the assistance of the national

arm to his exertions for converting the wilderness into a garden. Secure from the assaults of foreign hostility, the whole people had leisure to turn their attention to the improvement of their own condition. And hence the protection of domestic industry and the improvement of the internal communications between the portions of the Union remote from each other, formed an associated system of policy, embraced by many of our most distinguished citizens, and pursued with sincere and ardent patriotism. This system, however, was destined to encounter two obstacles of the gravest and most formidable character. The first, a question how far the people of the Union had delegated to their general government the *power* of providing for *their* welfare, of promoting *their* happiness, of improving *their* condition? The second, whether domestic industry and internal improvement, limited by localities less extensive than the whole Union, can be protected and promoted without sacrifice of the interests of one portion of the Union for the benefit of another. The divisions of opinion and the collisions of sentiment upon these points have been festering since the first advances of the system, till they have formed an imposthume in the body politic threatening its total dissolution. Mr. Monroe's opinion was, that the power of establishing a general system of internal improvement, had not been delegated to Congress; but that the power of levying and appropriating money for purposes of national importance, military or commercial, or for transportation of the mail

was among their delegated trusts. These subjects have been discussed under various forms in the deliberations of Congress from that period to the present day, and they are yet far from being exhausted. An appropriation of ten millions of dollars annually to the discharge of the principal and interest of the public debt, was one of the earliest measures of Mr. Madison's administration after the peace, and that purpose steadily pursued has reduced that national burden to so small an amount, that the total extinction of the debt, can scarcely be protracted beyond a term of two or three years from this time.

On the retirement of Mr. Madison from the office of Chief Magistrate, in 1817, Mr. Monroe was elected by a considerable majority of the suffrages in the electoral colleges, as his successor. This election took place at a period of tranquility in the public mind, of which there had been no previous example since the second election of Washington. To this tranquility, many concurring causes, such as are never likely to meet again, contributed, and among them, of no inferior order, was the existing state of the foreign, and especially the European world. It continued through the four years of his first Presidential term, at the close of which he was re-elected without a show of opposition, and by the voice a little less than unanimous of the whole people. These halcyon days were not destined to endure. The seeds of new political parties were latent in the withering cores of the old. New personal rivalries were shooting up from the

roots of those which had been levelled with the earth. New ambitions were kindling from beneath the embers that had ceased to smoke. No new system of policy had marked the administration of Mr. Monroe. The acquisition of the Floridas had completed that series of negotiations (perhaps it were no exaggeration to say, of Revolutions) which had commenced under the confederation with the *Encargado de Negocios* of Spain. Viewed as a whole, throughout its extent, can there be a doubt in considering it as the most magnificent supplement to our national Independence presented by our history, and will there arise an historian of this Republican empire, who shall fail to perceive or hesitate to acknowledge, that throughout the long series of these transactions, which more than doubled the territories of the North American Confederation, the leading mind of that great movement in the annals of the world, and thus far in the march of human improvement upon earth, was the mind of James Monroe?

In his Inaugural Address, delivered according to a prevailing usage, upon his induction to office, he took a general view of the existing condition and general interests of the nation, and marked out for himself a path of policy, which he faithfully pursued. The first of the objects to which he declared that his purposes would be directed, was the preparation of the country for future defensive war. Fortification of the coast and inland frontiers—peace establishments of the army and navy, with an improved system of regula-

tion and discipline for the militia, were the means by which this was to be effected, and to which his indefatigable labors were devoted. The internal improvement of the country, by roads and canals; the protection and encouragement of domestic manufactures; the cultivation of peace and friendship with the Indian tribes—tendering to them, always, the hand of cordiality, and alluring them by good faith, kindness, and beneficent instruction to share and to covet the blessings of civilization; a prudent, judicious, and economical, administration of the Treasury; with the profitable and, at the same time liberal, management of the public lands, then first beginning to disclose their active and appreciating value, as national property: all these were announced as the interests of the great community, which he surveyed as committed to his charge, and to the faithful custody and advancement of which, his unremitted exertions should be directed: and never was pledge with more entire self-devotion redeemed.

At the first Session of Congress, after his election to the Presidency, Mr. Monroe deemed it his duty, in his annual message to that body, to declare in them his opinion, that the power to establish a system of Internal Improvement by the construction of roads and canals, was not possessed by Congress. But, being also of opinion, that no country of such vast extent ever offered equal inducements to improvements of this kind, and that, never were consequences, of such magnitude, involved in them, he earnestly re-

commended to Congress, to urge upon the States the adoption of an amendment which should confer the right upon them : and with it, the right of instituting seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow citizens throughout the United States. Of the adoption of such an amendment, if proposed at that time, he scarcely entertained a doubt ; but a majority of both Houses of the National Legislature were firmly of opinion that this power had already been granted ; nor has the majority of any Congress, since that time, been enabled to conciliate the conclusions that a power, competent to the annexation of Louisiana to this Union, was incompetent to the construction of a post-road, to the opening of a canal, or to the diffusion of the light of Heaven upon the mind of after ages, by the institution of seminaries of learning.

Notwithstanding the manifestation of these opinions of Mr. Monroe, a subsequent Congress did pass an act for the maintenance and reparation of the Cumberland Road, and for the erecting of toll-gates upon it. Firm and consistent in the constitutional views which he had taken, he deemed it his duty to apply to this act his Presidential arresting power ; and, in returning the Bill to the House where it originated justified his exercise of prerogative in an able and elaborate exposition of the reasons of his opinions. This work, probably, contains whatever of argument the intellectual power of man can eviscerate from reason, against the exercise, by Congress, of the contest-

ed power. It arrested, to a considerable extent, the progress of Internal Improvement ; and succeeded by similar scruples in the mind of one of his successors, has held them in abeyance to this day.

The opinions of James Monroe upon doubtful or controverted points of Constitutional Law, can never cease to be deserving of profound respect. They were never lightly entertained. They were always deliberate, always disinterested, always sincere. At a subsequent period of his administration, as it drew towards its close, a modification suggested itself to his mind, warranting a compromise between the doctrines of those who invoked the beneficent action of Congress for national improvement, and of those who denied to the Supreme Councils of the nation the right of conferring blessings upon the people. In his annual Message to Congress, on the 2d of December, 1823, he announced his belief that Congress did possess the power of *appropriating money* for the construction of a Canal to connect together the waters of the Chesapeake and the Ohio (the jurisdiction remaining to the States through which the Canal would pass.) This of course included the concession of the same right of appropriating money for all other like objects of national interest, and it was accompanied with a recommendation to Congress to consider the expediency of authorizing by an adequate appropriation the employment of a suitable number of the Officers of the Corps of Engineers, to examine the unexplored ground during the ensuing season, and to report their

opinion thereon ; extending also their examination to the several routes through which the waters of the Ohio might be connected, by Canals, with those of Lake Erie. Under this recommendation, an Act of Congress was passed, and on the 30th of April, 1824, received the signature of Mr. Monroe, appropriating the sum of thirty thousand dollars ; authorizing and enabling the President of the United States, to cause the necessary surveys, plans and estimates to be made of the routes of such Roads and Canals as he might deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail ; designating in the case of each Canal, what parts might be made capable of sloop navigation. The results of the surveys to be laid before Congress. And the President was authorized to employ Civil Engineers, with such officers of the several military corps in the public service as he might detail for that service, to accomplish the purposes of the Act.

“Sink down, ye mountains ! and ye vallies—rise ! ”

Rise ! Rise, before your forefathers, here assembled, ye unborn ages of after-time ! Rise ! and bid the feeble and perishing voice, which now addresses them, proclaim your gratitude to your and their Creator, for having disposed the hearts of that portion of their Representatives, who then composed their Supreme National Council, to the passage of that Act. Exult and shout for joy ! Rejoice ! that, if for you,



there are neither Rocky Mountains, nor Oasis of the Desert, from the rivers of the Southern Ocean to the shores of the Atlantic Sea : Rejoice ! that, if for you, the waters of the Columbia mingle in union with the streams of the Delaware, the Lakes of the St. Lawrence, and the floods of the Mississippi : Rejoice ! that, if for you, every valley has been exalted, and every mountain and hill has been made low, the crooked straight, and the rough places plain : Rejoice ! that, if for you, Time has been divested of his delays, and Space disburthened of his obstructions : Rejoice ! that, if for you, the distant have been drawn near, and the repulsive allured to mutual attraction : that, if for you, the North American Continent swarms with unnumbered multitudes ; of hearts beating as if from one bosom ; of voice, speaking but with one tongue ; of freemen, constituting one confederated and united Republic ; of brethren, never to rise, nation against nation, in hostile arms ; of brethren, to fulfil the blessed prophecy of ancient times, that war shall be no more : to the power of applying the superfluous revenues of these, your forefathers, by their representatives in the Congress of this Union, to the improvement of *your* condition, you are, under God, indebted for the enjoyment of all these unspeakable blessings.

The system of Internal Improvement, then, though severely checked, by the opinion that the people of this Union have practically denied to themselves the power of bettering their own condition, by restrain-

ing their government from the exercise of the faculties, by which alone it can be made effective, was commenced under the administration of James Monroe : commenced with his sanction : commenced at his earnest recommendation. And if, in after ages, every leaf in the chaplet of his renown, shall be examined by the scrutinizing eye of grateful memory, to find, in the perennial green of all, one of more unfading verdure than the rest, that leaf shall unfold itself from the stem of Internal Improvement.

It is not within the scope of this discourse, to review the numerous and important Acts of Mr. Monroe's administration. In the multitude of a great nation's public affairs, there is no official act of their Chief Magistrate, however momentous, or however minute, but should be traceable to a dictate of duty, pointing to the welfare of the people. Such was the cardinal principle of Mr. Monroe. In his first address, upon his election to the Presidency, he had exposed the general principles by which his conduct, in the discharge of his great trust, would be regulated. In his second Inaugural Address, he succinctly reviewed that portion of the career through which he had passed, fortunately sanctioned by public approbation ; and promised perseverance in it, to the close of his public service. And, in his last annual Message to Congress, on the seventh of December, 1824, announcing his retirement from public life, after the close of that session of the Legislature, he reviewed the whole course of his administration, com-

paring it with the pledges which he had given at its commencement, and its middle term, appealing to the judgment and consciousness of those whom he addressed, for its unity of principle as one consistent whole, not exempt indeed, from the errors and infirmities incident to all human action, but characteristic of purposes always honest and sincere, of intentions always pure, of labors outlasting the daily circuit of the sun, and outwatching the vigils of the night—and what *he* said not, but a faithful witness is bound to record ; of a mind anxious and unwearied in the pursuit of truth and right : patient of inquiry ; patient of contradiction ; courteous, even in the collision of sentiment ; sound in its ultimate judgments ; and firm in its final conclusions.

Such my fellow citizens was James Monroe. Such was the man who presents the only example of one whose public life commenced with the War of Independence, and is identified with all the important events of your history from that day forth for a full half century. And now, what is the purpose for which we have here assembled to do honor to his memory ? Is it to scatter perishable flowers upon the yet unsodded grave of a public benefactor ? Is it to mingle tears of sympathy and of consolation, with those of mourning and bereaved children ? Is it to do honor to ourselves, by manifesting a becoming sensibility, at the departure of one, who by a long career of honor and of usefulness has been to us all as a friend and brother ? Or is it not rather to mark the

memorable incidents of a life signalized by all the properties which embody the precepts of virtue and the principles of wisdom? Is it not to pause for a moment from the passions of our own bosoms, and the agitation of our own interests, to survey in its whole extent the long and little-beaten path of the great and good: to fix with intense inspection our own vision, and to point the ardent but unsettled gaze of our children upon that resplendent row of cresset lamps, fed with the purest vital air, which illuminate the path of the hero, the statesman and the sage. Have you a son of ardent feelings and ingenuous mind, docile to instruction, and panting for honorable distinction? point him to the pallid cheek and agonizing form of James Monroe, at the opening blossom of life, weltering in his blood on the field of Trenton, for the cause of his country. Then turn his eye to the same form, seven years later, in health and vigor, still in the bloom of youth, but seated among the Conscript Fathers of the land to receive entwined with all its laurels the sheathed and triumphant sword of Washington. Guide his eye along to the same object investigating by the midnight lamp the laws of nature and nations, and unfolding them, at once with all the convictions of reason and all the persuasions of eloquence, to demonstrate the rights of his countrymen to the contested Navigation of the Mississippi, in the Hall of Congress. Follow him with this trace in his hand, through a long series of years, by laborious travels and intricate Negotiations, at Imperial Courts,

and in the Palaces of Kings, winding his way amidst the ferocious and party colored Revolutions of France and the life-guard favorites and Camarillas of Spain. Then look at the map of United North America, as it was at the definite peace of 1783. Compare it with the map of that same Empire as it is now ; limited by the Sabine and the Pacific Ocean, and say, the change, more than of any other man, living or dead, was the work of James Monroe. See him pass successively from the Hall of the Confederation Congress to the Legislative Assembly of his native Commonwealth ; to their Convention which ratified the Constitution of the North American people ; to the Senate of the Union ; to the Chair of Diplomatic Intercourse with ultra Revolutionary France ; back to the Executive honors of his native State ; again to Embassies of transcendant magnitude, to France, to Spain, to Britain ; restored once more to retirement and his country ; elevated again to the highest trust of his State ; transferred successively to the two pre-eminent Departments of Peace and War, in the National Government ; and at the most momentous crisis burthened with the duties of both—and finally raised, first by the suffrages of a majority, and at last by the unanimous call of his countrymen to the Chief Magistracy of the Union. There behold him for a term of eight years, strengthening his country for defence by a system of combined fortifications, military and naval, sustaining her rights, her dignity and honor abroad ; soothing her dissensions, and conciliating

her acerbities at home ; controlling by a firm though peaceful policy the hostile spirit of the European Alliance against Republican Southern America ; extorting by the mild compulsion of reason, the shores of the Pacific from the stipulated acknowledgment of Spain ; and leading back the imperial autocrat of the North, to his lawful boundaries, from his hastily asserted dominion over the Southern Ocean. Thus strengthening and consolidating the federative edifice of his country's Union, till he was entitled to say, like Augustus Cæsar of his imperial city, that he had found her built of brick and left her constructed of marble.

In concluding this discourse, permit me, fellow-citizens, to revert to the sentiment with which it commenced ; and if it be true that a superintending Providence adapts the talents and energies of men to the trials by which they are to be tested, it is fitting for us to be admonished that the trial may also be adapted to the talents destined to meet it. Our country by the bountiful dispensations of gracious Heaven, is, and for a series of years has been blessed with profound peace ; but when the first father of our race had exhibited before him by the Archangel sent to announce his doom and to console him in his fall, the fortunes, and the misfortunes of his descendants, he saw that the deepest of their miseries would befall them, while favored with all the blessings of peace and in the bitterness of his anguish he exclaimed

“ Now I see

Peace to corrupt, no less than war to waste.”

It is the very fervor of the noon-day sun, in the cloudless atmosphere of a summer sky, which breeds

“the sweeping whirlwind’s sway,

That, hush’d in grim repose, expects his evening prey.”

You have insured the gallant ship, which ploughs the waves, freighted with your wives and your children’s fortunes, from the fury of the tempest above, and from the treachery of the wave beneath. Beware of the danger against which you can alone insure yourselves—the latent defect of the gallant ship herself. Pass but a few short days, and forty years will have elapsed since the voice of him, who addresses you, speaking to your fathers, from this hallowed spot, gave for you, in the face of Heaven, the solemn pledge, that if, in the course of your career upon earth, emergencies should arise, calling for the exercise of those energies and virtues which, in times of tranquility and peace, remain, by the will of Heaven dormant in the human bosom, you would prove yourselves not unworthy of the sires who had toiled and fought and bled, for the independence of their country. Nor has that pledge been unredeemed. You have maintained, through times of trial and danger, the inheritance of freedom, of union, of independence, bequeathed you by your forefathers. It remains for you only to transmit the same peerless legacy, unimpaired, to your children of the next succeeding age. To this end, let us join in humble supplication to the Founder of empires and the Creator of all worlds,

that he would continue to your posterity, the smiles which his favor has been bestowed upon you : and since "it is not in man that walketh to direct his steps," that he would enlighten and lead the advancing generation in the way they should go. That in all the perils and all the mischances which may threaten or befall our United Republic, in after times, he would raise up from among your sons, deliverers to enlighten her Councils, to defend her freedom, and if need be to lead her armies to victory. And should the gloom of the year of Independence ever again overspread the sky, or the metropolis of your empire be once more destined to smart under the scourge of an invader's hand, that there never may be found wanting among the children of your country a warrior to bleed, a statesman to counsel, a chief to direct and govern, inspired with all the virtues, and endowed with all the faculties, which have been so signally displayed in the life of James Monroe.



## MONROE'S ADMINISTRATION.

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WHILE the possession of brilliant genius or talents, will not be claimed for James Monroe, even by his warmest admirers, it will not, on the other hand, be denied, that he carefully improved the varied and numerous advantages he enjoyed, during a protracted public career ; and that, as the acquisitions of a long experience, he added, to his natural prudence and good sense, a tact, and a knowledge of men, which eminently fitted him for a successful politician. When, therefore, he proposed, in 1814, as Secretary of War, his measure for the increase of the army, to which the term of "conscription" was opprobriously, yet unjustly applied, he foresaw that it might seriously affect his popularity ; and, inasmuch as his name had been proposed as the successor of Mr. Madison, he came to the deliberate determination, after consultation with his confidential friends, to which he would unquestionably have adhered, to decline standing as a candidate, in the event of the continuance of the war. The peace, however, relieved him from this position of embarrassment, and his friends at once began, openly and zealously, to advocate his selection as the candidate of the republican party.

Other candidates for the nomination were likewise

proposed by their respective friends. In November, 1815, Aaron Burr suggested to Joseph Alston, his son-in-law, and ex-governor of South Carolina, the propriety of bringing forward General Andrew Jackson, of Tennessee. Had this been done, and had due advantage been taken of the enthusiastic attachment of the people of the South and West to the hero of the Creek war, and the brave defender of New Orleans, the movement might have been successful ; but, in consequence of severe domestic afflictions, though concurring with Colonel Burr in opinion, Mr. Alston was not disposed to take any active part in the canvass, and therefore nothing was done to further the project.

Daniel D. Tompkins, the governor of New York, was also urged, with some pertinacity at first, by the citizens of his own state ; but on discovering that his chances were hopeless, they no longer pressed his name ; and the opposition to Mr. Monroe, within the pale of the republican party, finally centered on William H. Crawford, of Georgia, who had succeeded the former in the charge of the War Department.

The congressional caucus was held on the 16th day of March, 1816 ; and upon balloting for a candidate for president, Mr. Monroe received sixty-five votes, and Mr. Crawford fifty-four ; whereupon, the former was declared duly nominated. The opposing candidates for the nomination for the vice-presidency were Daniel D. Tompkins of New York, and Simon Snyder of Pennsylvania, both governors of their respective

states. On the ballot, the former received eighty-five votes, and the latter thirty.

Disheartened as were the federalists as a party ; and conscious, as they must have been, that their opposition to the war of 1812, and their unwise exultation over the reverses sustained by the American troops, prompted rather by their anxiety to witness the disgrace of Mr. Madison than by any sympathy for the British cause, had greatly diminished the number of their friends, and increased that of their opponents ; they were, nevertheless, not yet disposed quite to abandon the field. It was thought best to select a candidate for the presidency, in order to keep up the party organization, though they, of course did not anticipate success. They regarded this as important, because they endeavored to console themselves with the hope, that divisions, by which they might profit if they remained together, would soon arise in the ranks of the dominant party. Aware, however, that it would not do to exhibit their weakness, by putting forward, as the leader of their forlorn hope, one of the ultra opponents of the war, they selected as their candidate, by general consent, Rufus King, of New York, and formerly of Massachusetts, who, though he had originally voted against the declaration of war, had distinguished himself by his patriotic exertions in providing for the defence of his adopted state, and in assisting to raise and equip her volunteer regiments and militia quotas.

But little opposition was offered to the election of

the republican candidates. In the electoral colleges, Messrs. Monroe and Tompkins received one hundred and eighty-three votes each. Rufus King received thirty-four votes for the office of president, and John E. Howard, of Massachusetts, twenty-two for that of vice-president. The remaining electoral votes for the vice-presidency were given for different persons.

The ceremony of the inauguration took place on the 4th of March, 1817. Escorted by a large cavalcade of citizens, the president and vice-president elect left the residence of the former, and proceeded to the Hall of Congress, where the ex-president, the judges of the Supreme Court, the members of the Senate, some of the foreign ministers, and other official dignitaries, were already assembled. Entering the Senate-chamber, the vice-president took the oath of office, and was conducted to the chair. The Senate then adjourned, and, with the other persons present, accompanied the president to the portico, where he delivered his inaugural address, and took the oath of office, in the presence of his assembled fellow citizens.

It had become customary to regard the inaugural of a new president, as furnishing an index to the policy which would be pursued during his administration. It was, of course, anticipated by every one, and therefore none could be surprised or disappointed, that Mr. Monroe would follow out the same line of public conduct adopted by his predecessor. The address was favorably received, and its firm and decided, yet mild and liberal tone, elicited expressions of approbation in

every quarter. After referring to the highly favored condition of the country, and the value and importance of the union, he proceeded to point out the dangers that menaced their existence, and in what manner they should be guarded against :—

“In explaining my sentiments,” he said, “on this subject, it may be asked : what raised us to the present happy state ? How did we accomplish the revolution ? How remedy the defects of the first instrument of our union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals ? How sustain and pass with glory through the late war ? The government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success ? While, then, the constituent body retains its present sound and healthful state, everything will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people themselves become the willing instruments

of their own debasement and ruin. Let us then look to the great cause, and endeavor to preserve it in full force. Let us by all wise and constitutional measures promote intelligence among the people, as the best means of preserving our liberties.

"Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may again be involved in war, and it may, in that event, be the object of the adverse party to upset our government, to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonitions of experience if we did not expect it. We must support our rights, or lose our character, and with it, perhaps, our liberties. A people who fail to do it can scarcely be said to hold a place among independent nations. National honor is national prosperity of the highest value. The sentiment in the mind of every citizen is national strength. It ought, therefore, to be cherished.

"To secure us against these dangers, our coast and inland frontiers should be fortified, our army and navy, regulated upon just principles as to the force of each,

to be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion, will be attended with expense, but the work, when finished, will be permanent; and it is fair to presume that a single campaign of invasion, by a naval force superior to our own, aided by a few thousand land troops, would expose us to a greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes: the former to garrison and preserve our fortifications and to meet the first invasions of a foreign foe, and, while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war; the latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

“But it ought always to be held prominently in

view, that the safety of these states, and of everything dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our government, or the circumstances of the United States, to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained, as to be prepared for any emergency. The arrangement should be such as to put at the command of the government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed, too, in time of peace, to be the better prepared for war. With such an organization of such a people, the United States have nothing to dread from foreign invasion. At its approach an overwhelming force of gallant men might always be put in motion.

“Other interests of high importance will claim attention; among which, the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow citizens, much to the ornament of the country, and what is of greater importance, we shall



shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the union more closely together. Nature has done so much for us, by intersecting the country with so many great rivers, bays and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen, than is exhibited within the limits of the United States; a territory so vast and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.

“Our manufactures will likewise require the systematic and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture, and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

“With the Indian tribes it is our duty to cultivate

friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend them the advantages of civilization.

“The great amount of our revenue, and the flourishing state of the treasury, are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace is the time for improvement, and preparation of every kind : it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

“The executive is charged, officially, in the departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the executive, to enable it to bring the public agents intrusted with the public money strictly and promptly to account. Nothing should be presumed against them ; but if, with

the requisite facilities, the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the administration which will be felt by the whole community. I shall do all that I can to secure economy and fidelity in this important branch of the administration, and I doubt not that the legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

"It is particularly gratifying to me to enter on the discharge of these duties, at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the executive, on just principles, with all nations, claiming nothing unreasonable of any, and rendering to each what is its due.

"Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system; union is recommended, as well by the free and benign principles of our government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on some questions of essential importance to the country. The

progress has been slow, dictated by a just reflection and a faithful regard to every interest connected with it. To promote this harmony, in accordance with the principles of our republican government, and in a manner to give them the most complete effect, and to advance, in all other respects, the best interests of our country, will be the object of my constant and zealous exertions.

“Never did a government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic,—of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy, when he reflects how near our government has approached to perfection ; that in respect to it, we have no essential improvement to make ; that the great object is to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people ; and as a security against foreign dangers to adopt such arrangements as are indispensable to the support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

“In the administrations of the illustrious men

who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes, that he may long enjoy in his retirement, the affections of a grateful country, the best reward of exalted talents and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of government, I enter on the trust to which I have been called by the suffrages of my fellow citizens, with my fervent prayers to the Almighty that he will be graciously pleased to continue to us that protection which he has already so conspicuously displayed in our favor."

Mr. Monroe selected his cabinet from among his own party friends,—those, too, who had been in favor of the war. John Quincy Adams, then minister to England, was appointed Secretary of State ; William H. Crawford, of Georgia, was appointed Secretary the Treasury, in the place of Mr. Dallas, who had resigned the office in the fall of 1816, and died in the following January ; and Isaac Shelby, governor of Kentucky, was appointed Secretary of war. Mr. Crowninshield was continued in office as Secretary of the navy, Mr. Rush as attorney general, and Mr.

Meigs as postmaster general. Governor Shelby subsequently declined the appointment tendered to him, on account of his advanced age ; and John C. Calhoun of South Carolina, was appointed in his stead.

In regard to the minor offices, Mr. Monroe pursued nearly the same course. A large proportion of them were already filled by republicans, and with respect to them,—fortunately, perhaps, for his own popularity,—he was not required to give dissatisfaction to any of his friends, by making selections, and indicating his preferences. The federalists had nothing to hope from him ; his course as minister to France and Secretary of State had rendered him particularly obnoxious to them ; and he had shown, throughout his whole public career, that his party predilections were strong and decided. Previous to his inauguration, he had been counselled by General Jackson, with whom he was on terms of friendly intimacy, to disregard partisan considerations in the construction of his cabinet, and the bestowal of offices, and to appoint the best men, irrespective of their political affinities ; in order that, by so doing, the bitterness of party spirit might be allayed, and, as the great majority of the federalists were, in truth, republicans at heart, all might be induced to join with them, and form one great and united republican brotherhood.

Captivating as was this advice, in theory, Mr. Monroe's experience taught him, what General Jackson himself afterwards learned in a similar manner, that it could not be easily reduced to practice. The for-

mer therefore resolved, to appoint none except his own political friends to office, except for special reasons, and in a few unimportant cases ; yet, at the same time, in so far as he might, without doing violence to the tenets of the republican school in which he was reared, to propose and encourage the adoption of measures of internal policy, calculated to promote the welfare, and advance the interests, of all classes and sections of his countrymen. He was favored in the object he had in view, by the fact, that with the war had terminated foreign sympathies, and that thenceforth there were no British or French factions known in the country. While, then, as a strictly republican president throughout his whole administration, he bestowed official favors on those only who had adhered to Jefferson and Madison, through weal and through woe, he disarmed the hostility of the federalists, with few exceptions,—and the latter manifested their unfriendly feelings, for the most part, only by their secret efforts to foment divisions in the now triumphant party,—and secured for his administration an unexampled and almost unbounded popularity.

But this whole subject was discussed so fully and so ably by Mr. Monroe, in his letter replying to that of General Jackson, which contained the advice alluded to, that justice to him requires that he should be allowed to speak for himself : “The election of a successor to Mr. Madison,” says the letter, “has taken place, and a new administration is to commence its

service. The election has been made by the republican party, and of a person known to be devoted to that cause. How shall he act? How organize the administration? How fill the vacancies existing at the time?

“The distinction between republicans and federalists, even in the southern, and middle, and western states, has not been fully done away. To give effect to free government, and secure it from future danger, ought not its decided friends, who stood firm in the day of trial, to be principally relied on? Would not the association of any of their opponents in the administration itself, wound their feelings, or, at least, of very many of them, to the injury of the republican cause? Might it not be considered, by the other party, as an offer of compromise with them, which would lessen the ignominy due to the counsels which produced the Hartford convention, and thereby have a tendency to revive that party on its former principles? My impression is, that the administration should rest strongly on the republican party, indulging toward the other a spirit of moderation, and evincing a desire to discriminate between its members, and to bring the whole into the republican fold as quietly as possible. Many men, very distinguished for their talents, are of opinion that the existence of the federal party is necessary to keep union and order in the republican ranks; that is, that free government cannot exist without parties. This is not my opinion. The first object is to save the cause, which can be done by



those who are devoted to it only, and of course by keeping them together ; or, in other words, by not disgusting them by too hasty an act of liberality to the other party, thereby breaking the generous spirit of the republican party, and keeping alive that of the federal party. The second is, to prevent the re-organization and revival of the federal party, which, if my hypothesis is true, that the existence of party is not necessary to a free government, and the other opinion which I have advanced is well founded, that the great body of the federal party are republican, will not be found impracticable. To accomplish both objects, and thereby exterminate all party divisions in our country, and give new strength and stability to our government, is a great undertaking, not easily executed. I am, nevertheless, decidedly of opinion that it may be done ; and should the experiment fail, I shall conclude that its failure was imputable more to the want of a correct knowledge of all circumstances claiming attention, and of sound judgment in the measures adopted, than to any other cause. I agree, I think, perfectly with you, in the grand object, that moderation should be shown to the federal party, and even a generous policy be adopted toward it ; the only difference between us seems to be, how far shall that spirit be indulged in the outset ; and it is to make you thoroughly acquainted with my views on this highly important subject, that I have written you so freely upon it."

Mr. Monroe was successful, in allaying the bitter-

ness of spirit, so far as he was concerned ; he gave, by his mild and conciliatory course, the finishing *coup de grace* to the federalism of '98 ; but he soon saw new divisions produced, and new combinations formed, under the auspices of the federal leaders, which must have gone far to convince him, that the views he had advanced, with some hesitation, indeed, in his letter to General Jackson, were opposed to the genius and spirit of the American people, and that, until the independence of thought and action characteristic of freemen had degenerated into the most grovelling effeminacy, they could not be practically illustrated.

All the preliminary matters requisite for putting the new administration into motion, having been disposed of, or settled, Mr. Monroe left Washington the last of May, for a tour of inspection and observation through the middle, eastern, and western states ; it being his desire to become acquainted with the people and learn their wants, to ascertain how the machinery of government, remote from the central power, performed its functions, and to inform himself in regard to the resources of the country, and the means necessary to develop them. He likewise desired, from his own personal inspection, to discover the vulnerable points on the sea-coast, and decide how and in what manner it would be best to provide for their security.

He passed through Baltimore, Philadelphia, New-York, and the chief towns in Connecticut and Rhode Island, to Boston. Then, having visited most of the places of interest in Massachusetts, he travelled

through Maine, New-Hampshire, and Vermont. From the latter state he crossed over to Plattsburgh, in New-York, and traversed the country intervening between the Champlain and St. Lawrence. The public works on Lake Ontario were inspected, and he then proceeded to Detroit, by way of Lake Erie. From Detroit he returned to the seat of government, through the forests of Michigan territory, and the states of Ohio, Pennsylvania, and Maryland. Few of the facilities for travelling at present enjoyed were then known, and the journey was consequently long, laborious, and fatiguing ; yet he was cheered everywhere on his route, by the demonstrations of respect manifested towards him. Political friends and opponents cordially united in tendering to him a cordial reception. Wherever he went he was sure to meet with a hearty welcome ; and he, in turn, won many friends by the suavity and agreeableness of his manners, and deep and sincere interest that he exhibited in everything brought under his notice or observation.

The fifteenth Congress assembled for its first regular session, on the first day of December, 1817, and adjourned on the 20th of April following. The republicans were in a large majority ; there being but very few prominent federalists returned to this Congress. Rufus King, of New York, Harrison G. Otis, of Massachusetts, and Alexander C. Hanson, of Maryland, were the only prominent federalists in the Senate ; and Mr. King was already more than suspected of a design—which suspicion subsequently proved true—to

abandon the falling fortunes of his party. Timothy Pitkin, of Connecticut, still retained his seat in the House, but vacated it at the close of this Congress. Associated with him in sentiment, were Henry Shaw, of Massachusetts, and John Sergeant of Pennsylvania.

Among the republicans in the Senate, were George W. Campbell, of Tennessee, late Secretary of the treasury ; James Fisk, of Vermont ; Mahlon Dickerson, of New Jersey ; James Barbour and John W. Eppes, of Virginia ; Nathaniel Macon, of North Carolina ; John Gaillard, of South Carolina ; William C. Claiborne, of Louisiana ; and John J. Crittenden, of Kentucky. The leading republican members of the House of Representatives, were Marcus Morton, of Massachusetts ; John W. Taylor and James Tallmadge, of New-York ; Adam Seybert of Pennsylvania ; Louis McLane, of Delaware ; Samuel Smith, of Maryland ; Philip P. Barbour, William A. Burwell, John Floyd, and Charles F. Mercer, of Virginia ; William Lowndes, of South Carolina ; John Forsyth, of Georgia ; and Henry Clay, of Kentucky.

Mr. Clay was re-elected speaker of the House by an almost unanimous vote ; and both that body and the Senate having completed their organization, on the 2d of December, the president communicated his annual message. After remarking on the happy and prosperous condition of the country, the revival of business consequent on the restoration of tranquility, the re-establishment of public and private credit, and

the harmony of sentiment now generally prevailing instead of the bitter and violent prejudices that formerly existed, he informed Congress that an amicable arrangement had been entered into with Great Britain, providing for the reduction of the naval force of both powers on the lakes ; that negotiations with Spain on the subject of spoliations were still pending, but with every reasonable prospect of a favorable termination ; and that with other nations and powers, the relations of the United States, were on a friendly footing.

A gratifying view of the finances of the country was presented : " In calling your attention," he said, " to the internal concerns of our country, the view which they exhibit is peculiarly gratifying. The payments which have been made into the treasury show the very productive state of the public revenue. After satisfying the appropriations made by law for the support of the civil government, and of the military and naval establishments, embracing suitable provision for fortification, and for the gradual increase of the navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than six millions of dollars will remain in the treasury on the first day of January, applicable to the current service of the ensuing year.

" The payments into the treasury during the year one thousand eight hundred and eighteen, on account of imports and tonnage, resulting principally from du-

ties which have accrued in the present year, may be fairly estimated at twenty millions of dollars ; internal revenues, at two millions five hundred thousand ; public lands, at one million five hundred thousand ; bank dividends and incidental receipts, at five hundred thousand ; making, in the whole, twenty-four millions and five hundred thousand dollars.

“The annual permanent expenditure for the support of the civil government, and of the army and navy, as now established by law, amounts to eleven millions eight hundred thousand dollars ; and for the sinking fund, to ten millions ; making, in the whole, twenty one millions eight hundred thousand dollars : leaving an annual excess of revenue, beyond the expenditure, of two millions seven hundred thousand dollars, exclusive of the balance estimated to be in the treasury on the first day of January, one thousand eight hundred and eighteen.

“In the present state of the treasury, the whole of the Louisiana debt may be redeemed in the year 1819 ; after which, if the public debt continues as it now is, above par, there will be annually about five millions of the sinking fund expended, until the year 1825, when the loan of 1812, and the stock created by funding treasury-notes, will be redeemable.

“It is also estimated that the Mississippi stock will be discharged during the year 1819 from the proceeds of the public lands assigned to that object, after which the receipts from those lands will annually add to the public revenue the sum of one million five hundred

thousand dollars, making the permanent annual revenue amount to twenty six millions of dollars, and leaving an annual excess of revenue, after the year 1819, beyond the permanent authorized expenditure, of more than four millions of dollars."

The message then called the attention of Congress to the importance of making provision for the improvement, in organization and discipline, of the militia; the advancement of the liberal and humane policy of the government towards the Indian tribes; and the fortification of the sea-coast. As the revenue arising from imposts and tonnage, and from the sale of the public lands, promised in future to be amply sufficient for the support of the government, the president recommended the repeal of the internal taxes. He also recommended the continued attention of Congress to the manufacturing interests of the country; and the adoption, by the states, of an amendment to the national constitution, authorizing the proceeds of the public lands to be expended on objects of general improvement. His language on the latter subject was as follows :—

"When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depend, we cannot fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them, by means of good roads and canals. Never did

a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at present, I have brought it into view for the purpose of communicating my sentiments on a very important circumstance connected with it, with that freedom and candor which a regard for the public interest and a proper respect for Congress require. A difference of opinion has existed, from the first formation of our Constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance, and a just sense of my duty, required, and the result is a settled conviction in my mind, that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to, or a necessary means, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I can not resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states an adoption of



an amendment to the constitution, which shall give the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our republican institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that if it appears to their satisfaction that the power is necessary, it will be granted.

“In this case I am happy to observe, that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony which now manifests itself throughout our union promises to such a recommendation the most prompt and favorable result. I think proper to suggest, also, in case this measure is adopted, that it be recommended to the states to include in the amendment sought, a right in Congress to institute likewise, seminaries of learning, for the all important purpose of diffusing knowledge among our fellow-citizens throughout the United States.”

Almost the first business, after the opening of the session of Congress, was that of relieving the people from the pecuniary burdens imposed during the war. Foremost among the advocates of the payment of the public debt, were the men by whose votes the war had been declared, and the debt created. Headed by William Lowndes, the able and energetic chairman of the committee of ways and means, they promptly sustained such measures as were necessary to provide

for the liquidation of the liabilities of the general government ; and the good work commenced through their instrumentality, and under their auspices, was finally completed during the administration of Andrew Jackson.

Mississippi having adopted a state constitution, and presented the same through her delegate, she was acknowledged as a sovereign and independent member of the confederacy, and duly admitted into the union, on the 11th day of December, 1817. In April following, the people of Illinois territory were authorized, in like manner, to form a state government, and adopt a state constitution, preparatory to their admission into the union.

The internal duties were early abolished by act of Congress. Laws were also enacted at this session, fixing the compensation of Senators and members of the House of Representatives, at eight dollars per day, and eight dollars for every twenty miles' travel ; and granting pensions to the surviving officers and soldiers of the revolutionary war. Great Britain having refused, in accordance with the monopolizing and selfish spirit that ever characterized her colonial policy, to allow her West Indian colonies to carry on a direct trade with the United States, on the same footing with the home government, a retaliatory act was passed closing our ports against British vessels coming from any such colony whose trade was thus interdicted. Early in the year 1817, a band of privateers and smugglers had taken possession of Galveston, in

Texas, then claimed to be a part of the United States under the cession of Louisiana ; and an establishment had been made by similar persons, in the summer, on Amelia Island, at the mouth of the St. Mary's river. The individuals concerned in these proceedings claimed to act under the authority of the Spanish colonies, then waging war for independence with the mother country ; and it being understood that a hostile enterprise against the Floridas was on foot, in which aid and assistance were expected from certain residents of the United States, the American Congress promptly passed a law forbidding the citizens thereof to engage in any such project directed against the subjects or possessions of any government with which we were at peace. Both establishments were subsequently broken up, by the officers or agents of the United States, under the direction of President Monroe.

Internal duties having been abolished, it became necessary to provide some means for raising the revenue required for the support of government ; and there was a powerful feeling manifested at this time in favor of affording protection to the infant manufactures of the country. Both circumstances combined—necessity on the one hand, and interest on the other—to create a strong party who were in favor of the imposition of duties avowedly protective. The duties on copper, cut-glass, Russia sheetings, iron, nails, and alum, were largely increased ; and a law was passed extending the act of 1816, laying duties on imported cotton and woollen goods, for a further period of seven

years. Such was the unanimity in Congress on this subject, that on the passage of the last mentioned act, there were but three dissenting voices in the Senate, and only sixteen in the House.

The subject of internal improvements, to which the President had referred at such length in his message, early engaged the attention of Congress. Mr. Clay zealously advocated the passage of laws providing for an extensive system of internal improvements; but those members of Congress understood to be more in the confidence of the president, combatted his views with equal earnestness, and opposed the adoption of any system or measure relating to the subject, at least until the constitution had been properly amended, so as to confer the power. The committee in the House, to whom the consideration of the question was referred, made a report in favor of appropriating the dividends of the United States on its stock in the national bank to such objects. This project at once encountered opposition. Repeated debates, of a most excited and interesting character—the main question discussed being the constitutionality of the measure—took place in both houses. At one stage of the discussion, a vote was taken in the House of Representatives, indicating a majority of fifteen in favor of such appropriation of the public funds. It was soon whispered about, however, in the political circles of the capital, that the president would feel constrained, in conformity with the views and principles he had avowed in his message, to veto any bill of that character presented to

him for his signature, prior to the amendment of the constitution which he had suggested. The whole subject was, therefore, ultimately disposed of, by a postponement to a future day, and was not called up, or again acted on, during the session.

This session was also signalised by the introduction of a proposition which afterwards formed one of the questions in difference between the republican party, and the seceders therefrom under the leadership of John Quincy Adams and Henry Clay. The latter gentleman moved an appropriation providing for a special minister to Buenos Ayres and the provinces of La Plata, to express the sympathy of the United States with them in their struggle for independence, and to open the way for the establishment of future political relations on a friendly footing. Mr. Forsyth, who had been transferred to the House, and other republican members, denounced the measure as in fact adopting the doctrines of the Holy Alliance, in the condemnation of which all united, and attempting to engraft them upon the foreign policy of the United States, as connected with the republics in South America, then first struggling into existence. Mr. Clay defended his motion in an able, animated, and eloquent speech ; in which he maintained that his only object was to encourage the South American patriots in well doing, and that he had no ulterior designs in view, save that of establishing friendly relations with the new governments that might be formed, which all must admit to be highly desirable. A majority, however, thought

differently from Mr. Clay, and his motion was lost by a vote of one hundred and fifteen to forty-five.

Notwithstanding the exciting debates to which these discussions gave rise, general harmony prevailed throughout the whole session. With the war terminated the exhibition of the foreign sympathies which previous thereto had been so often witnessed. There was no longer a French party, or a British party. Old prejudices were not entirely done away, but they were now manifested mainly in the personal rivalries that succeeded the violent contests of the former administration. The fires of party were not, it is true, entirely subdued; they only smouldered for the time, ready to burst out anew, when new combinations and factions should be formed. Yet this was postponed till after the retirement of Mr. Monroe from the executive chair, and during the remainder of his administration, there is little left for the historian to chronicle, save the proceedings of the members of Congress at their annual sessions, who for the most part assembled together in peace, and separated in unity.

While Congress was in session, during the winter of 1817-18, some changes had been made in the cabinet. John C. Calhoun, of South Carolina, was appointed Secretary of War, in the place of Governor Shelby, who declined the appointment, on the 16th of December, 1817, and, on the same day, William Wirt of Virginia, was appointed attorney-general, to fill the vacancy occasioned by the resignation of Mr. Rush, who was sent as minister to England.

Shortly after Congress adjourned, the President, accompanied by the Secretaries of war and the navy, visited the towns and coasts of Chesapeake bay, on a tour of inspection, in order to ascertain how they might be the most effectually protected against an invading enemy, and returned again to Washington, through the interior of Virginia. He arrived at the seat of government on the 17th of June, having been much gratified by the respectful attentions everywhere paid to him by his fellow-citizens.

Repeated outrages having been committed on the southern frontiers of the union, in the summer and fall of 1817, by the Creek and Seminole Indians, who had taken refuge in Florida, after their discomfiture by General Jackson in the campaign of 1813—14, prompt measures were adopted for the punishment of their perpetrators, and the protection of the citizens against further aggressions. General Jackson was accordingly authorized to take command of the troops in that quarter, and to inflict exemplary punishment upon the savages; he being further empowered to pursue them into the Floridian territory, if, in his opinion, it should be absolutely necessary. In the course of his operations, General Jackson obtained irrefragable evidence that the hostile Indians received aid and encouragement from the Spanish authorities of Florida; and he became fully convinced that the peace and security of the frontier were entirely out of the question, while the abettors of murder and rapine retained the power they had hitherto wielded. Influenced

by these considerations, he not only pursued the savages into the Spanish territory, but drove them to take refuge in the everglades and swamps of southern Florida, and completed the restoration of tranquility by taking military possession of St. Marks and Pensacola.

Congress again came together on the 16th of November, 1818, when the president apprised them of the proceedings which had taken place in Florida, and expressed his approbation of the conduct of General Jackson. He further stated, however, that inasmuch as negotiations were then pending with Spain for the cession of the Floridas in payment of the American colonies for spoiliations, and as it was not to be presumed that the Spanish officers acted under the orders of their government, he had directed Pensacola to be immediately surrendered to any person authorized to receive it, and St. Marks to any force sufficient to protect it against the savages and their associates. Efforts were forthwith made in Congress to procure a vote censuring the conduct of General Jackson, whose fast increasing popularity had, in all probability, already excited the envy of politicians. Mr. Clay and Mr. Calhoun in particular favored this movement; but the president himself, and Mr. Adams, the secretary of state, who had charge of the Spanish negotiation, warmly espoused the cause of the American commander. Committees in both houses made reports disapproving of the general's proceedings. In the Senate all further action was suspended, on the ap-



pearance of an able vindication of his conduct, written by himself, in the columns of the *National Intelligencer*. The House committee had reported, in addition, strong resolutions of censure; but after an animated discussion, they were rejected by a very large majority.

It appeared from the message of the president, that the receipts into the treasury during the first three quarters of the year had exceeded seventeen millions of dollars, and that, after the payment of all existing appropriations, there would probably remain a surplus on the ensuing first day of January, of more than two millions of dollars. The gross revenue accruing from the customs during the whole year, was estimated at twenty-six millions of dollars; and it was further stated, that the sale of the public lands had greatly exceeded, both in quantity and price, that of any former year.

Mr. Crowninshield resigned his position in the cabinet, in consequence of declining health, on the 18th of November, 1818, and on the same day Smith Thompson, of New-York, was appointed Secretary of the navy in his stead.

After considerable diplomatic maneuvering, Mr. Rush had finally induced the British government to enter into a convention, on the 20th of October, 1818, conceding to the citizens of the United States the right to take fish, in common with the subjects of Great Britain, on the northern, western, and southern coasts of New Foundland; establishing the boundary

of the United States from the Lake of the Woods to the Rocky Mountains, on the 49th parallel, north latitude ; and extending the commercial convention between the two countries, concluded in 1815, for the term of ten years. Mr. Rush made an ineffectual attempt to have the boundary line established beyond the Rocky Mountains, and the settlement of that vexed question was left for future negotiators. The convention having been submitted to the Senate, it was ratified by that body on the 28th of January, 1819.

The seizure of the Spanish ports in Florida did not prevent the amicable issue of the negotiations then pending ; and on the 22d of February, a treaty was concluded at Washington, by John Quincy Adams, on the part of the United States, and Senor Luis de Onis, the Spanish Envoy, in pursuance of which East and West Florida, with the adjacent islands, were forever ceded to the United States. In consideration of this cession, the United States agreed to waive all her claims to the territory between the Sabine and the Rio Bravo, hitherto in dispute, and that the former river should henceforth be the boundary between them and the Spanish Mexican possessions ; and further, that they would pay a sum not exceeding five millions of dollars, to their citizens, for spoiliations committed by Spanish vessels of war. The provisions of this treaty were unsparingly condemned by many of the republican members of congress, and Mr. Clay denounced it in the most violent terms, on the

floor of the House of Representatives. Some declared that Texas had been given away without a suitable equivalent ; and others again insisted that the Rio Grande was the natural boundary of the United States on the southeast, and ought never to have been surrendered. The treaty, however, was unanimously ratified in the Senate, and all circumstances considered, was probably as good a one as could then have been obtained. The possession of the Floridas gave to the United States the entire control of the Atlantic and Gulf coasts, from the St. Croix to the Sabine, and, in the bay of Pensacola, supplied them with what had been a great desideratum—a suitable naval depot and harbor on their southern frontier.

Illinois was admitted into the union as a state, by resolution adopted on the 3d day of December 1818. Alabama territory was also authorized to adopt a state constitution at this session, and a territorial government was provided for Arkansas.

Congress adjourned on the 3d of March, 1819, having, among other enactments, passed laws to protect the commerce of the United States, and to punish piracy ; reducing the rates of duty on imported wines ; providing for the civilization and instruction of the Indian tribes ; regulating the coasting trade ; authorizing the president to take possession of the Floridas, and establishing a temporary government ; and providing for the more perfect accountability of persons charged with the receipt and disbursement of the public revenues.

During the recess, the president visited Charleston, Savannah, Augusta, and other places in the southern states, with the same objects in view which prompted his former tours in different sections of the country. Returning he proceeded through the Cherokee territory to Nashville, and thence, by the way of Louisville and Lexington, to Washington, where he arrived early in the month of August.

In the sixteenth Congress, the republicans were in an unusually large majority. Messrs. Dickerson, J. Barbour, Macon, and Gaillard, of the republican, and Mr. Otis, of the federal party, still remained in the Senate. The seat of Rufus King was temporarily vacated, but in January, 1820, he was re-elected by the combined vote of his federal friends and the Anti-Clin-tonians in the New-York legislature ; it being now understood that he had abandoned, or was preparing to abandon, his old federal associations. The new prominent senators were Walter Lowrie, of Pennsylvania ; William Pinkney, of Maryland ; William R. King, of Alabama ; and James Brown, of Louisiana.

In the House, Mr. Sergeant, of Pennsylvania, again made his appearance ; with whom, in political sentiment, were associated Henry Shaw, of Massachusetts, and Samuel A. Foot, of Connecticut. Messrs. Morton, J. W. Taylor, McLane, Smith of Maryland, P. P. Barbour, Burwell, Floyd, Mercer, Lowndes and Clay, were again returned. Among the new republican members were Rollin C. Mallary, of Vermont ;

Henry W. Edwards, of Connecticut ; John Randolph of Virginia ; and Benjamin Hardin, of Kentucky.

The first annual session of this Congress commenced on the 6th of December, 1819. Mr. Clay was once more re-elected speaker of the House by nearly an unanimous vote. The chambers of the the two houses in the new capitol being now nearly completed, their meetings were henceforth held in them.

Pecuniary embarrassments, at one time assuming a most grave and threatening appearance, had been felt throughout the union during this year, but the condition of the country being really prosperous, the derangement, which had been caused by excessive speculation, and the over issues of the banks, was of temporary duration. Still, the receipts into the treasury had been considerably diminished thereby, and the pension law had created large additional demands. The former were stated in the president's message to amount to nineteen millions, up to the 30th of September previous, and would probably come up to twenty-three millions for the whole year. After defraying all charges upon the treasury, of every character, a considerable surplus would still remain.

Inflations of the currency, as has been intimated, had promoted speculation, and when contractions became necessary, in order to protect the banks from complete insolvency, those in any wise dependent upon them naturally felt the pressure most severely. The manufacturing interest, then just fairly established, was for a time threatened with utter ruin. Many

constituting, perhaps, a large proportion, had embarked in it without capital, but upon credit alone, and they were, of course, prostrated at the first crash. President Monroe could not be indifferent to this state of things, and he was disposed to go as far in affording relief as was consistent with his, in the main, strict construction doctrines with respect to the constitution. He again recommended therefore, the subject of giving further encouragement to domestic manufactures, paying due regard to the other great interests of the nation, to the attention of Congress.

Alabama was admitted into the union, by a joint resolution, adopted on the 14th of December, 1819. An attempt was made at this session, to pass a law giving additional protection to the manufacturing interest ; the bill was passed in the House, by a majority of twenty votes, but failed to receive the concurrence of the Senate. In order to encourage emigration to the western states and territories, and to increase the revenue derivable from the public lands, an act was passed authorizing sales to be made in half quarter sections, or eighty acres establishing the price per acre at one dollar and twenty-five cents, and abolishing the credit system on all sales from and after the 1st day of July, 1820. Unsuccessful attempts were made to procure the enactment of a uniform bankrupt law, and an amendment to the constitution providing for a uniform mode of choosing presidential electors. The members from the northern and eastern states generally favored the passage of the bank-

rupt law, as their constituents had been the principal sufferers during the late derangement in the monetary affairs of the country ; but the southern and western members resisted its adoption.

But by far the most important question considered and discussed at this session, was that connected with the admission of Missouri into the union. At the previous session, an attempt had been made to procure the passage of an act authorizing the people of the territory to form a state constitution. This encountered a most violent opposition on the part of the northern members, and Mr. Otis, of Massachusetts, and Mr. King and Mr. Tallmadge of New-York, distinguished themselves by their exertions to prevent the passage of the bill—taking the high and emphatic ground, that no additional state, tolerating the existence of slavery, ought to be admitted into the union. They therefore insisted, as an indispensable preliminary to the admission of Missouri, that her constitution must contain a fundamental and unalterable provision prohibiting the future removal or transportation of slaves into the territory ; and to that end, that the act authorizing a constitution to be formed should contain a clause expressly requiring the insertion of such a provision. As they openly avowed it to be their desire and intention to restrict the institution of slavery to its existing limits, they were called restrictionists. No definite action was had, however, at this time, and the subject was postponed for the action of the next Congress.

Early, therefore, in the session of 1819-20, the Missouri question was revived, by the introduction of the act authorizing the people of the territory to form a state constitution. The war between the rival parties—for they were parties living in opposite quarters of the union and divided on sectional issues—now opened. The debates in both houses were exceedingly warm, and at times ominous of the dissolution of the confederacy. In the Senate, the battle was fought, with ability and zeal, by Rufus King and Walter Lowrie on the one side, and William Pinkney and James Barbour on the other. The champions of the south in the House were Henry Clay, John Randolph, and William Lowndes; of the north, John Sergeant, John W. Taylor, and Samuel A. Foot. The speakers on the southern side of the question insisted, at the outset, that the proposed restriction was unconstitutional, and a violation of the treaty by which Louisiana was ceded, as it stipulated for the preservation and protection of the rights of the inhabitants of the transferred territory; and, moreover, if these positions were inadmissible, that it was inexpedient to agitate a question that could only promote discord and ill feeling, and that, if the restriction should be adopted by northern votes, it would be regarded as a direct invasion of the rights of the south, and the union would be at an end. Mr. Barbour, of the Senate, pronounced the subject to be “an ignited spark, which, communicated to an immense mass of combustion, would produce an explosion that would shake the



union to its centre ;” and Mr. Walker, a member of the same body, from the state of Georgia, declared that he already heard the thunders roll, and could see “the father arrayed against the son, and the brother drawing the bloody sword from the bosom of the brother.”

On the other side, the northern members maintained their ground with great spirit and firmness. Mr. King argued that the power of Congress to impose the restriction was implied in the general authority to admit new states ; and, in reference to the abstract question of slavery itself, he said, “that by the law of nature, and the eternal rule of justice, there could be no such thing as a right in a fellow creature to hold him and his posterity in bondage ; that treaties and constitutions ought to be construed in the sense of this great paramount law ; and that the toleration of slavery in the original states, and those formed from the original states—a toleration acknowledged to have grown out of necessity—could furnish no ground for originating this unjust institution, where such necessity did not exist.” Mr. Lowrie was still more pointed in denouncing the institution of slavery ; and in the course of one of his speeches on the subject, after alluding to the remarks of southern speakers, he said : “If the alternative be, as gentlemen thus broadly intimate, a dissolution of the union, or the extension of slavery over this whole western country, I, for one, will choose the former.”

Daily the war of words grew warmer, and the

excitement waxed higher and higher. Cassandras were not wanting to predict the downfall of Troy. The enemies of republican institutions rejoiced that the problem of self-government was about to be demonstrated, to the discomfiture and confusion of those who had proposed it. The waves of anarchy began to surge violently over the ramparts of the constitution. The bond of the confederacy seemed about to be severed. At length, Mr. Clay, yielding the ground he had formerly maintained, proposed a compromise of the question, by the insertion of a section in the act, forever prohibiting slavery in all that part of the Missouri territory, except the state to be then formed, lying north of thirty-six degrees and thirty minutes north latitude—that line being the prolongation of the southern boundary of the present state of Missouri.

Mr. Clay's proposition was like oil poured out on the troubled waters. The strife was hushed. The long agony was over. The ship of state, which had careened before the rude blasts of political contention, now rose erect, and sped away joyfully on her course—her sails filled with the soft breezes of peace and tranquillity, and a nation's prayers, like guardian angels, hovering around her track.

The bill, as amended, was finally passed through both houses, and approved by the president. Efforts were made by some of the southern members, whose views were ultra on the slavery question, to prevail upon Mr. Monroe to withhold his signature ; but after taking the advice of his cabinet, who counselled him

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to approve the bill, he decided to put an end to the agitation by confirming the action of Congress.

While the Missouri bill was under discussion in the Senate, an attempt was made to annex it as a rider to another bill, then pending, for the admission of Maine, hitherto a province of Massachusetts, but now, with the consent of the latter, presenting herself with a constitution as a separate state. The effort failed of success, and the act admitting Maine into the union became a law on the 3d day of March, 1820. The Missouri bill was signed on the 6th of the same month.

Although the seizure of the posts in Florida had not prevented the conclusion of the treaty of 1819, providing for the cession of the territory, the Spanish monarch delayed its ratification, upon the alleged ground, that the citizens of the United States had manifested a hostile disposition towards Spain, by encouraging the revolutions taking place in her South American colonies, and that the general policy of the American government had been decidedly unfriendly. Mr. Monroe referred to this matter in his annual message, and in a further special communication, on the 27th of March, informed Congress that Spain had been rebuked for her inexcusable delay, by the governments of France and Russia ; and in view of this fact, he recommended a postponement of any action on the subject, till the ensuing session. On the 9th of May, the president apprised Congress that a new envoy had arrived from Spain, who had been instructed to insist upon the insertion of stipulations, against the alleged

injuries complained of, in the treaty, as the condition upon which alone it would be ratified. Fortunately, a change of ministry had been effected in Spain, and the constitution of 1812 restored, just subsequent to the sailing of the minister; otherwise the two countries might at once have been involved in war. These facts being already known, President Monroe repeated his recommendation to postpone all action until Congress again assembled. Spain ultimately receded from her position, and ratified the treaty, which was announced in the United States, by executive proclamation, on the 22d of February, 1821.

Congress finally adjourned on the 15th of May, 1820. Previous to the adjournment, a congressional caucus was held, for the nomination of candidates for president and vice-president at the approaching election. There being no opposition to the re-nomination of Messrs. Monroe and Tompkins, they were selected by general consent. The federalists presented no candidates at this election; indeed, they had become almost merged in the republican party. Some few remained aloof, and firmly refused to abandon one jot or tittle of their ancient faith; waiting for new parties to be formed out of the overgrown dominant republican organization, and intending to unite with that whose sentiments corresponded the most nearly with their own. But the great body of the federalists united with the republicans, and soon became so mingled up that their original individuality was entirely lost.

No opposition worthy the name was offered to the election of Monroe and Tompkins. The former received two hundred and thirty-one of the two hundred and thirty-two electoral votes ; one vote being given in the electoral college of Massachusetts for John Quincy Adams. Mr. Tompkins received two hundred and eighteen votes. Richard Stockton, of New Jersey, and Robert G. Harper, of Maryland, both distinguished federalists, together received nine votes—the former eight in Massachusetts, and the latter one in his own state. The remaining five votes were given to Messrs. Rodney and Rush, by Delaware and New Hampshire.

The short session of the sixteenth Congress commenced on the 13th of November, 1820, and terminated on the 3d of March, 1821. Mr. Clay having resigned the speakership, on account of the pressure of private engagements, an active canvass took place for his successor. There were three prominent candidates ; John W. Taylor, of New York, William Lowndes, of South Carolina, and Samuel Smith, of Maryland. John Sergeant, of Pennsylvania, was supported by the feeble array of federal members, probably in the hope of profiting by the divisions in the republican ranks. The first two days of the session were spent in balloting. Mr. Lowndes had a plurality of votes, on the second day, at four different times ; Mr. Taylor, at five times ; and Mr. Smith at three times. At length the northern members, who had voted for restricting slavery in Missouri at the

previous session, united on Mr. Taylor, and with the assistance of some of the southern representatives, succeeded in electing him on the morning of the third day.

From the president's message, it appeared that the foreign relations of the United States, wore a peaceful aspect, with the exception of the difficulty with Spain, which was soon after brought to a favorable issue. "In looking to the internal concerns of our country," said he, "you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these, none held a more important place than the public revenue, from the direct operation of the power by which it is raised on the people, and by its influence in giving effect to every other power of the government. The revenue depends on the resources of the country ; and the facility by which the amount required is raised, is a strong proof of the extent of the resources, and of the efficiency of the government. A few prominent facts will place this great interest in a just light before you. On the 30th of September, 1815, the funded and floating debt of the United States was estimated at one hundred and nineteen millions six hundred and thirty-five thousand five hundred and fifty-eight dollars. If to this sum be added the amount of five per cent. stock subscribed to the bank of the United States, the amount of Mississippi stock, and of the stock which was issued subsequently to that date, the balances as-

certained to be due to certain states for military services, and to individuals for supplies furnished and services rendered during the late war, the public debt may be estimated as amounting, at that date, and as afterwards liquidated, to one hundred and fifty-eight millions seven hundred and thirteen thousand and forty-nine dollars. On the 30th of September, 1820, it amounted to ninety one millions one hundred and ninety-three thousand eight hundred and eighty-three dollars—having been reduced, in that interval, by payments of sixty-six millions eight hundred and seventy-nine thousand one hundred and sixty-five dollars. During this term the expenses of the government of the United States were likewise defrayed in every branch of the civil, military, and naval establishments; the public edifices in this city have been rebuilt, with considerable additions; extensive fortifications have been commenced, and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the union; our navy has been considerably augmented, and the ordnance, munitions of war, and stores of the army and navy, which were much exhausted during the war, have been replenished.

“ By the discharge of so large a portion of the public debt, and the execution of such extensive and important operations in so short a time, a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying, when it is recollected that the direct tax

and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources.

“The receipts into the treasury, from every source to the 30th of September last, have amounted to sixteen millions seven hundred and ninety-four thousand one hundred and seven dollars and sixty-six cents ; while the public expenditures, to the same period, amounted to sixteen millions eight hundred and seventy-one thousand five hundred and thirty-four dollars and seventy-two cents ; leaving in the treasury, on that day, a sum estimated at one million nine hundred and fifty thousand dollars. \* \* \*

“It is proper to add, that there is now due to the treasury, for the sale of public lands, twenty-two millions nine hundred and ninety-six thousand five hundred and forty-five dollars. In bringing the subject to view, I consider it my duty to submit to Congress, whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers.”

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On the second day of the session, the president communicated to the Senate a copy of the constitution of the state of Missouri ; whereupon the subject was referred to a committee to examine the same, and report what action was necessary in the premises. The Senate adopted the requisite resolution for the admission of the new state, after quite an animated debate. In the House the Constitution was also referred to a committee, a majority of whom, through their Chairman, Mr. Lowndes, reported on the 25th of December, that the same was strictly republican, and concluded with a resolution, in the usual form, providing for the admission. Again were the sectional prejudices and feelings of the last session revived. The friends and opponents of slavery were once more pitted against each other.

The report of Mr. Lowndes was referred directly to the committee of the whole, and the views embodied therein, and the resolution accompanying it, were discussed for an entire week. The arguments used on both sides were similar to those of the previous session, although the particular question now was, whether or no the fourth clause of the twenty-sixth section of the third article of the state constitution adopted by Missouri should be retained. On taking the vote, the resolution introduced by Mr. Lowndes, on behalf of the committee, was lost by a majority of fourteen votes. The members from Maryland, Virginia, North and South Carolina, Georgia, Kentucky, Tennessee, Alabama, and Mississippi, voted unani-

mously in favor of the resolution ; and the members from the northern states, with a few exceptions, voted against it.

Still no final disposition of the question was made ; and when the votes of the electoral colleges came to be counted it was found that Missouri had chosen electors who had met together and cast their votes for president and vice-president. This difficulty had been foreseen, and the Senate had adopted a resolution on the 13th of February, 1821—the day previous to that appointed for counting the electoral votes—directing that all the votes should be counted, and that the result should be declared, including those of the state of Missouri, and also not including them. The friends of the admission in the House strenuously opposed the adoption of the resolution, insisting that Missouri had complied with the necessary requisites, and that she was now a sovereign state, and could not be disfranchised. The resolution was adopted, however ; and the votes were counted, and the result declared, in the manner prescribed therein, although the proceedings did not pass without interruption,—a fruitless, but persevering attempt, being made by John Randolph and others, to have Missouri declared a state.

Moderate and conciliatory counsels now prevailing the whole subject of the Missouri question was referred to a joint committee, of the two Houses. Mr. Clay, from this committee, reported the following resolution as a compromise, on the 26th of February.

*“ Resolved, That Missouri shall be admitted into this*

union, on an equal footing with the original states, in all respects whatever, upon the fundamental condition, that the fourth clause of the twenty-sixth section of the third article of the constitution, submitted on the part of said state to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the states in this union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States :—*Provided*, that the legislature of the said state, by a solemn public act, shall declare the assent of the said state, to the said fundamental condition, and shall transmit to the president of the United States, on or before the fourth Monday in November next, an authentic copy of the said act ; upon the receipt whereof, the president, by proclamation, shall announce the fact : whereupon, and without any further proceeding on the part of Congress, the admission of the said state into this union shall be considered as complete.”

Some opposition was manifested to the passage of this resolution ; but all parties were wearied with the protracted discussion, and on taking the vote, the resolution was adopted—eighty-seven voting in favor thereof, to eighty-one against it. On the 28th of February the Senate concurred in the resolution, and the president approved and signed it on the 2d of March.

At this session of Congress, an act was passed

reducing the peace establishment of the army to seven regiments of infantry, and four of artillery, and organizing the different departments of the staff into bureaus. Spain having at last ratified the treaty for the purchase of the Floridas, laws were enacted to carry it into effect, and extending the jurisdiction of the general government over the new acquisition. Mr. Clay once more brought forward his proposition for the acknowledgment of the independence of the South American republics, and succeeded in carrying his resolutions through the House. Nothing was done, however, in the Senate, in regard to this subject. It was generally understood that the president and his cabinet, with the exception of Mr. Adams, were averse to the adoption of Mr. Clay's resolutions.

Mr. Barbour offered a resolution in the Senate, declaring the act of 1798, commonly called the sedition act, unconstitutional, and directing the fines imposed in pursuance thereof to be repaid to the persons who had been mulcted. The resolution gave rise to debate, and was finally negatived by a vote of twenty-four to nineteen—the majority being composed of federalists, and of other senators who considered that Congress did not possess the power thus to annul a law the constitutionality of which had been sustained by the United States' Courts. Propositions for the establishment of a national system of education, by means, of the revenue arising from the sale of the public lands, and prohibiting the reception of the bills of state banks issuing notes of a less denomination

than five dollars, in payment of government dues, were rejected by decisive majorities.

The fourth day of March being Sunday, the inauguration ceremonies were postponed till the following day. The address of Mr. Monroe reiterated the sentiments avowed in his first inaugural. He expatiated at length on the importance of fortifying the sea-coast, and augmenting the naval force of the country, and enjoined upon his countrymen the preservation of strict neutrality with reference to the revolutionary struggles in South America. Referring to the condition of the Indian tribes, and their claims on the magnanimity of the American people, he expressed himself in favor of acquiring the sovereignty in the lands still held by them, rendering therefor an equivalent, to be vested in permanent funds for the support of civil government among them, and, for the education of their children, their instruction in the arts of husbandry, and their maintenance till they were able to provide for themselves.

On the 3d day of December, 1821, the seventeenth Congress assembled for its first regular session. The leading senators in the former Congress again re-appeared ; and, in addition, Martin Van Buren of New York, Samuel L. Southard of New Jersey, and Thomas H. Benton of Missouri, all of the republican party, now took their seats. Mr. Clay was not returned to this Congress ; but Messrs. J. W. Taylor, Sergeant, Mallary, Edwards, McLane, P. P. Barbour, S. Smith, Floyd, Mercer, Nelson, Randolph, Lowndes, and

Hardin, were re-elected. The only prominent federalist, among the new members, was Henry W. Dwight of Massachusetts. Among the republicans, were William Eustis, of Massachusetts; Churchill C. Cambreleng, Cadwalader C. Colden, Alfred Conkling, William B. Rochester, and Reuben H. Walworth, of New York; Cæsar A. Rodney, of Delaware; Robert Wright, of Maryland; Romulus M. Saunders, of North Carolina; and George McDuffie, and Joel R. Poinsett, of South Carolina;

Divisions now began to be more than ever apparent in the republican ranks, and candidates for the next presidency were proposed by their respective friends. There were already six Richmonds in the field—John Quincy Adams, Andrew Jackson, Henry Clay, William H. Crawford, William Lowndes, and John C. Calhoun. Mr. Adams and Mr. Clay were supported by the friends of a protective tariff and of a general system of internal improvements. The federalists who had remained true, or were still partial to their old opinions in regard to matters of public policy, also preferred Mr. Adams or Mr. Clay to the other persons named as candidates. The opponents of a protective tariff,—including in this designation those republicans from the northern states who were in favor of a revenue tariff affording incidental protection,—and of a general internal improvement system, were divided in their preferences. The election of speaker, however, probably turned in the main on the tariff question. John W. Taylor was supported by the friends of a high

protective system, and Philip P. Barbour united nearly all the the strength of the opposing faction. The latter was elected after several balloting, by a small majority.

Mr. Monroe sent in his annual message on the 5th instant. After referring to the favorable aspect of the foreign relations, he stated that it had now become evident that Spain could never again reduce her refractory colonies into subjection, and that the government of the United States would endeavor to promote by friendly counsel the recognition of their independence by the mother country. A loan of five millions of dollars had been authorized at the previous session, and with this assistance the treasury had been able to meet all the demands upon it, and to present a surplus at the close of the fiscal year. Still, it was his firm conviction that an increase of revenue would be necessary, and he therefore recommended a moderate additional duty on certain articles.

Among the important public acts passed at this session were those establishing a territorial government in Florida ; authorizing a loan of twenty-six millions of dollars to meet the public debt falling due ; and apportioning the representatives to Congress from the several states—the ratio adopted being forty thousand of federal population. The subject of a general bankrupt law was again introduced, and the passage of a bill urged with much earnestness, by Mr. Sergeant of Pennsylvania. On taking the vote, however, a large majority appeared to be opposed to the measure

—there being seventy-two in favor to ninety-nine against it.

The tariff question underwent considerable discussion, during the course of the session, but as a majority of the members of the House were opposed to any higher rate of duties than was then authorized by law, nothing was done in the premises.

Mr. Pinkney, the eloquent senator from Maryland, died at Washington in the month of February, 1822. His place was supplied by the election of Samuel Smith, then a member of the House, to fill the vacancy.

On the eighth of March the president sent a special message to Congress, recommending that, inasmuch as the revolted colonies of Spain in South America had now manifestly demonstrated their ability to maintain their independence, the same should be recognized by the American government. On the appearance of the message, the Spanish minister addressed a letter to the Secretary of State, emphatically and solemnly protesting against such recognition, on the part and in behalf of his government. Mr. Adams replied that the proposed recognition was not designed to invalidate any right of Spain that she proved able to maintain by force of arms, but only to acknowledge an existing fact,—liable, of course, to be changed, if the mother country was successful in her efforts to recover her revolted colonies,—with a view of establishing political and commercial relations with the newly formed nations.

Congress promptly adopted the suggestions of the



Executive by an almost unanimous vote, and appropriated the sum of one hundred thousand dollars to defray the expenses of missions to the republics whose independence was now recognized.

An appropriation for certain fortifications having been withheld at the previous session, the president called the attention of Congress to the fact, on the 26th of March, in a special message, repeating his formerly expressed views in regard to the importance of carefully fortifying the country, and enforcing them by many powerful arguments.

A short time prior to the adjournment of Congress, a bill was passed providing for the preservation and repair of the Cumberland Road. As this bill assumed the right in Congress to adopt and execute a system of internal improvements, it came in conflict with the well known views of the President in relation to the constitution. He therefore returned the bill to the House of Representatives, on the 4th of May, 1822, with his objections. He also communicated to that body, on the same day, an ably written paper, containing an *expose* of his sentiments and opinions, in which, after showing the origin of the national and state governments, and their respective powers, he proceeded to examine whether the right of adopting and executing a system of internal improvement, by roads and canals, had been vested in the United States, in the following terms :

“ Before we can determine whether this power has been granted to the general government, it will be

necessary to ascertain, distinctly, the nature and extent of the power requisite to make such improvements. When that is done, we shall be able to decide whether such power is vested in the national government.

“If the power existed, it would, it is presumed, be executed by a board of skilful engineers, on a view of the whole union, on a plan which would secure complete effect to all the great purposes of our constitution. It is not my intention, however, to take up the subject here, on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the city of Washington to Baltimore and to connect the Chesapeake bay with the Delaware, and the Delaware with the Raritan, by a canal ; what must be done to carry the project into effect ? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route, in the most direct line, paying due regard to heights, water-courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell, or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to, after the road and canal are laid out and made, is to keep them in repair. We know that there are peo-

ple in every community capable of committing voluntary injuries ; of pulling down walls that are made to sustain the road ; of breaking the bridges over water-courses, and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands, and commit these acts of violence and waste, from revenge, or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed, and are still complained of, on the road from Cumberland to the Ohio. To accomplish this object, Congress should have a right to pass laws to punish offenders, wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night, and fly far off before the sun appeared. The power to punish these culprits must, therefore, reach them wherever they go. The must, also, be amenable to competent tribunals, federal or state. The power must, likewise, extend to another object, not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls, and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements, and the repairs which they necessarily require. Congress must, therefore, have power to make such an establishment, and to support it, by such regulations, with fines and penalties, in the case of injuries, as may be competent to

the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the states individually, and it must be possessed by the United States, or the pretension must be abandoned.

“Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter, by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price, or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognised and acted on by all the state governments, that, in cases of this kind, the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount, and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

“The next object is to preserve these improvements from injury. The locks of the canal are broken; the walls which sustained the road are pulled down; the bridges are broken; the road itself is ploughed up; toll is refused to be paid; the gates of the canal or turnpike are forced. The offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier,

that may serve to screen them from punishment. They will plead that the law, under which they stand arraigned, is unconstitutional, and that question must be decided by the court, whether federal or state, on a fair investigation of the powers vested in the general government by the constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted ; and, by their acquittal, all claim to the right to establish such a system is at an end.

“I have supposed an opposition to be made to the right in Congress, by the owner of the land, and other individuals charged with breaches of statutes made to protect the work from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A state, also, may contest the right, and then the controversy assumes another character. Government might contend against government ; for, to a certain extent, both the governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them, respecting their rights, and the people sustain it with anything like an equal division of numbers, the worst consequences might ensue.

“It may be urged that the opposition suggested by the owner of the land, or by the states individually, may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that

way, is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may, by the command and application of the public revenue, purchase the soil, and thus silence that class of individuals ; or, by the accommodation afforded to individual states, put down opposition on their part. Congress must be able rightfully to control all opposition, or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury ; tolls must be collected ; offenders must be punished. With these culprits no bargain can be made. When brought to trial, they must deny the validity of the law, and that plea being sustained, all claim to the right ceases.

“If the United States possess this power, it must be, either because it has been specifically granted, or that it is incidental, and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources : 1st, the right to establish postoffices and postroads ; 2d, to declare war ; 3d, to regulate commerce among the several states ; 4th, from the power to pay the debts and provide for the common defence and general welfare of the United States ; 5th, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof ; 6th, and lastly, from the power to dispose

of, and make all needful rules and regulations respecting, the territory and other property of the United States. It is to be observed, that there is but little accord among the advocates for this power, as to the particular source whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

“The first of these grants is in the following words : “Congress shall have power to establish postoffices and postroads.” What is the just import of these words, and the extent of the grant ? The word “establish,” is the ruling term ; “postoffices and postroads” are the subjects on which it acts. The question, therefore, is what power is granted by that word ? The sense in which words are commonly used, is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail ; and there is no better way of ascertaining it, than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connexion with public affairs, and whose minds were unprejudiced, what was the import of the word “establish,” and the extent of the grant which it controls, we do not think that there would be any difference of opinion among them. We are satisfied that all of them would answer, that a power was thereby given to Congress, to fix on the towns, courthouses, and other places, throughout our Union, at which there

should be postoffices ; the routes by which the mails should be carried from one postoffice to another, so as to diffuse intelligence as extensively, and to make the institution as useful, as possible ; to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the postoffices and mails from robbery, by punishing those who should commit the offence. The idea of a right to lay off the roads of the United States, on a general scale of improvement ; to take the soil from the proprietor by force ; to establish turnpikes and tolls, and to punish offenders in the manner stated above, would never occur to any such person. The use of the existing road, by the stage, mail-carrier, or postboy, in passing over it as others do, is all that would be thought of ; the jurisdiction and soil remaining to the state, with a right in the state, or those authorized by its legislature, to change the road at pleasure.

“The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of government, the confederation, we find a grant for the same purpose, expressed in the following words : “The United States in Congress assembled, shall have the sole and exclusive right and power of establishing and regulating postoffices from one state to another, throughout the United States, and of exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of said postoffice.” The term “establish” was likewise the ruling one in that instrument, and was evi-



dently intended, and understood, to give a power simply and solely to fix where there should be postoffices. By transferring this term from the confederation into the constitution, it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to postoffices and postroads. In whatever sense it is applied to postoffices, it must be applied in the same sense to postroads. But it may be asked, if such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The confederation being a bond of union between independent states, it was necessary, in granting the powers which were to be exercised over them, to be very explicit and minute in defining the powers granted. But the constitution, to the extent of its powers, having incorporated the states into one government, like the government of the states, individually, fewer words in defining the powers granted by it, were not only adequate, but, perhaps, better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more enlarged power in the constitution than had been granted in the confederation, surely the same controlling term would not have been used; or other words would have been added, to show such intention, and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the constitution, by this term, to include in it all the powers that were granted

in the confederation, by terms which specifically defined and (as was supposed) extended their limits. It would be absurd to say, that, by omitting from the constitution any portion of the phraseology which was deemed important in the confederation, the import of the term was enlarged, and, with it, the powers of the constitution, in a proportional degree, beyond what they were in the confederation. The right to exact postage and to protect the postoffices and mails from robbery, by punishing the offenders, may fairly be considered as incidents to the grant, since, without it, the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this, the doctrine of incidental power can not be carried.

If we go back to the origin of our settlements and institutions, and trace their progress down to the revolution, we shall see that it was in this sense, and none other, that the power was exercised by all our colonial governments. Postoffices were made for the country, and not the country for them. They are the offspring of improvement; they never go before it. Settlements are first made; after which the progress is uniform and simple, extending to objects in regular order, most necessary to the comfort of man—schools, places of worship, courthouses, and markets; postoffices follow. Roads may, indeed, be said to be coeval with settlements. They lead to all the places mentioned, and to every other which the various and complicated interests of society require.

"It is believed that not one example can be given, from the first settlement of our country to the adoption of this constitution, of a post office being established without a view to existing roads ; or of a single road having been made by pavement, turnpike, &c., for the sole purpose of accommodating a post office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States, it was undoubtedly intended by the framers and ratifiers of the constitution, to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

"This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns, and in other places where the population is dense, stages are preferred, because they afford an additional opportunity to make a profit from passengers. But where the population is sparse, and on crossroads, it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of the Union, with nearly as much economy and greater despatch, on horseback, than in a stage ; and in many parts with much greater. In every part of the Union in which stages can be preferred, the roads are sufficiently good, provided those which serve for every other purpose will accom-

modate them. In every other part, where horses alone are used, if other people pass them on horseback, surely the mail-carrier can. For an object so simple and so easy in the execution, it would doubtless excite surprise, if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

“If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual states for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them? Might they not establish turnpikes, and exercise all the other acts of sovereignty, above stated, over such roads, necessary to protect them from injury, and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed, as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every state might be taken from it, for there is scarcely a road in any state which will not be used for the transportation of the mail. A new field for legislation and internal improvement would thus be opened.

“From this view of the subject, I think that we may fairly conclude, that the right to adopt and execute a system of internal improvement, or any part of it,

has not been granted to Congress under the power to establish postoffices and postroads ; that the common roads of the country only were contemplated by that grant, and are fully competent to all its purposes.

“The next object of inquiry is, whether the right to declare war includes the right to adopt and execute this system of improvement? The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

“Under the last-mentioned grant, a claim has been set up to as much of that system as relates to roads. Under this, it extends alike to roads and canals.

“We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual states, and to vest it in the general government. This has been done in clear and explicit terms—first, by granting the power to Congress, and, secondly, by prohibiting the exercise of it by the states. Congress shall have a right to declare war. This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, proved, incontestably, that this power has not been granted in that or any other manner.

“The United States are exposed to invasion through the whole extent of their Atlantic coast, by any Eu-

ropean power with whom we might be engaged in war ; on the northern and northwestern frontier, on the side of Canada, by Great Britain, and on the southern by Spain, or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power, as it exists, must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations, or mitigate the calamities of war along the coast, or in any part of the interior, they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured, as to its extent, by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

“If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right, or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan ; to raise and support armies and a navy ; to provide for calling forth, arming, disciplining, and governing the militia, when

in the service of the United States ; establishing fortifications, and governing the troops stationed in them, independently of the state authorities, and to perform many other acts, is indispensable to the maintenance of war. No war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers, then, would, of necessity, and by common consent, have fallen within the right to declare war, had it been intended to convey, by way of incident to that right, the necessary powers to maintain war. But these powers have all been granted specifically, with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers, it is manifest that every power was thus granted which it was intended to grant, for military purposes ; and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

“By the sixteenth of the enumerated powers, article i, sect. 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may, by cession of particular states, and the acceptance of Congress, not exceeding ten miles square, become the seat of the government of the United States ; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection

of forts, magazines, arsenals, dockyards, and other useful buildings. If any doubt existed on a view of the other parts of the constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown, after the most liberal construction of all the enumerated powers of the general government, that the territory within the limits of the respective states belonged to them ; that the United States had no right, under the powers granted to them, with the exception specified in this grant, to any the smallest portion of territory within a state, all those powers operating on a different principle, and having their full effect without impairing, in the slightest degree, this right in the states ; that those powers were, in every instance, means to ends, which, being accomplished, left the subject, that is, the property, in which light only land could be regarded, where it was before—under the jurisdiction, and subject to the laws, of the state governments.

“The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers ; for, had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a state, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right, as to such small portions of



territory as might be necessary for these purposes, and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it, as to any other portion, on any condition, for any purpose, or in any manner whatsoever.

“It may be said that, although the authority to exercise exclusive legislation in certain cases, within the states, with their consent, may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power, within a state, as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a state can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes, except in fortifications, dockyards, and the like places. If the soldiers are in the field, or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased, and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the state. More freedom of action, and a wider range of power, in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but, even here, the civil authority of the state never ceases to operate. It is also exclusive for all civil purposes.

“Whether any power, short of that stated, would be adequate to the purposes of internal improvement, is denied. In the case of territory, one government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the state in all cases and for all purposes not necessary to the execution of the proposed power. But the right of the general government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary ; to the punishment of offenders for injuries to the roads and canals ; to the establishment and enforcement of tolls, &c., &c. It must be a complete right, to the extent above stated, or it will be of no avail. That right does not exist.

“The reasons which operate in favor of the right of exclusive legislation in forts, dockyards, &c., do not apply to any other places. The safety of such works, and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls, and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation : *First*. The ground must be requisite for, and be applied to, those purposes. *Second*. It must be purchased. *Third*. It must be purchased by the consent of the state in

which it may be. When we find that so much care has been taken to protect the sovereignty of the states over the territory within their respective limits, admitting that of the United States over such small portions and for such special and important purposes only, the conclusion is irresistible, not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

"I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was, that this power could not be exercised with advantage by the individual states, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the states, was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the first two from each of the other, in any view which may be taken of the subject. The last, relating to the Indian tribes, is of a nature distinct from the others, for reasons too well known to require explanation. Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the states before the

adoption of this constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts, in regard to foreign nations, and to prevent any on the trade between the states, was the only power granted.

"If we recur to the causes which produced the adoption of this constitution, we shall find that injuries, resulting from the regulation of trade by the states, respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the states, individually, had commenced a system of restraint on each other, whereby the interests of foreign powers were promoted at their expense. If one state imposed high duties on the goods or vessels of a foreign power, to countervail the regulations of such power, the next adjoining states imposed lower duties, to invite those articles into their ports, that they might be transferred thence into the other states, securing the duties to themselves. This contracted policy in some of the states was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering states, and thus had grown up a state of affairs, disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it, all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so re-

cently achieved. From this deplorable dilemma, or rather certain ruin, we were happily rescued by the adoption of the constitution.

"Among the first and most important effects of this great revolution, was the complete abolition of this pernicious policy. The states were brought together by the constitution, as to commerce, into one community, equally, in regard to foreign nations and each other. The regulations that were adopted, regarded us, in both respects, as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations, were all uniform throughout the United States, and, in the intercourse between the states themselves, no duties of any kind were imposed, other than between different ports and counties within the same state.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the constitution. As early as the year 1781, Congress recommended it to the states to vest in the United States a power to levy a duty of five per cent on all goods imported from foreign countries into the United States, for the term of fifteen years. In 1783, this recommendation, with alterations as to the kind of duties, and an extension of this term to twenty-five years, was repeated, and more earnestly urged. In 1784, it was recommended to the states to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785, the consid-

eration of the subject was resumed, and a proposition presented in a new form, with an address to the states, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786, a meeting took place at Annapolis, of delegates from several of the states, on this subject, and, on their report, a convention was formed at Philadelphia, the ensuing year, from all the states, to whose deliberations we are indebted for the present constitution.

“In none of these measures was the subject of internal improvement mentioned, or even glanced at. Those of 1784, '5, '6, and '7, leading, step by step, to the adoption of the constitution, had in view, only, the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several states, was altogether a secondary object, suggested by and adopted in connexion with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first, rather than the second. The pretension to it, however, under that branch, has never been set up. In support of the claim, under the second, no reason has been assigned which appears to have the least weight.

“The fourth claim is founded on the right of Congress to “pay the debts and provide for the common defence and general welfare” of the United States. This claim has less reason on its side than either of

those which we have already examined. The power of which this forms a part is expressed in the following words : "Congress shall have power to lay and collect taxes, duties, imposts, and excises ; to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises, shall be uniform throughout the United States."

"That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations : First, if the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the constitution which gives it directly, or which has any bearing on the subject, even by implication, except the two following : first, the prohibition, which is contained in the eleventh of the enumerated powers, not to appropriate money for the support of armies for a longer term than two years ; and, secondly, the declaration in the sixth member or clause of the ninth section of the first article, that no money shall be drawn from the treasury, but in consequence of appropriations made by law. Secondly, this part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first branch of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises ; a power of vast extent, not granted by the confederation, the grant of which formed one of the principal inducements to the adoption of this con-

stitution. If both parts of the grant are taken together, as they must be, for the one follows immediately after the other in the same sentence, it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defence and general welfare of the United States—an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated. Thirdly, if this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever, or one of much greater extent than the first part. This presumption is evidently groundless in both instances; in the first, because no part of the constitution can be considered as useless; no sentence or clause in it without a meaning. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed,



in all the grants contained in the constitution. In the second, because, if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent ; that there would have been no use for the special powers to raise and support armies and a navy ; to regulate commerce ; to call forth the militia ; or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the common defence and general welfare, as the second part of this clause would be, if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defence would give to Congress the command of the whole force, and of all the resources of the Union ; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the states and the general government, and consolidate the whole under the latter.

“The powers specifically granted to Congress, are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant, unconnected with, and independent of, the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the constitution, being completely absorbed in the transcendent

power granted in the latter part. But if the clause be construed in the sense contended for, then every part has an important meaning and effect ; not a line, a word, in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises, subjects to the call of Congress every branch of the public revenue, internal and external ; and the addition, to pay the debts and provide for the common defence and general welfare, gives the right of applying the money raised, that is, of appropriating it to the purposes specified, according to a proper construction of the terms. Hence it follows, that it is the first part of the clause only, which gives a power which affects in any manner the power remaining to the states ; as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the states, as to taxes and excises, must necessarily do. But the use or application of the money, after it is raised, is a power altogether of a different character. It imposed no burden on the people, nor can it act on them in a sense to take power from the states, or in any sense in which power can be controverted, or become a question between the two governments. The application of money, raised under a lawful power, is a right or grant which may be abused. It may be applied partially among the states, or to improper purposes in our foreign and domestic concerns ; but, still, it is a power not felt in the sense of other powers, since the only complaint which any state can make of such partiality and abuse is, that some other state or

states have obtained greater benefit from the application, than by a just rule of apportionment they were entitled to. The right of appropriation is, therefore, from its nature, secondary and incidental to the right of raising money, and it was proper to place it in the same grant and same clause with that right. By finding them, then, in that order, we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

“The last part of this grant, which provides that all duties, imposts, and excises, shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant, in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power—duties, imposts, and excises—those only on which it could operate; the rule by which the fourth, that is, taxes, should be laid, being already provided for in another part of the constitution. The object of this provision is, to secure a just equality among the states in the exercise of that power by Congress. By placing it after both the grants, that is, after that to raise and that to appropriate the public money, and making it apply to the first only, shows that it was not intended that the power granted in the second should be paramount to, and destroy that granted in the first. It shows, also, that no such formidable power as that suggested had

been granted in the second, or any power, against the abuse of which it was thought necessary specially to provide. Surely, if it was deemed proper to guard a specific power of limited extent and well-known import, against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent, and so indefinite, as would have been granted by the second part of the clause, if considered as a distinct and original grant.

“With this construction, all the other enumerated grants, and indeed all the grants of power, contained in the constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts, a government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of revenue, and proceeding, in regular order, to the others, with which it was deemed proper to endow it, all too drawn with the utmost circumspection and care. How much more consistent is this construction, with the great objects of the institution, and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction and throws everything into confusion.

“I have dwelt thus long on this part of the subject, from an earnest desire to fix, in a clear and satisfactory manner, the import of the second part of this

grant, well knowing, from the generality of the terms used, their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted, by that part, than a power to *appropriate* the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

"It is contended, on the one side, that, as the national government is a government of limited powers, it has no right to expend money, except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers; that this grant, in neither of its branches, gives to Congress discretionary power of any kind, but is a mere instrument, in its hands, to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our government; but, on further reflection and observation, my mind has undergone a change, for reasons which I will frankly unfold.

"The grant consists, as heretofore observed, of a twofold power; the first to raise, and the second to appropriate, the public money, and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and

is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish postoffices and postroads, and with all the other specific grants to the general government. In the discharge of the powers contained in any of these grants, there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. It affords to the friends of our free governments the most heartfelt consolation to know, and from the best evidence, our own experience, that, in great emergencies, the boldest measures, such as form the strongest appeals to the virtue and patriotism of the people, are sure to obtain their most decided approbation. But should the representative act corruptly, and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it, and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts, and excises, is alike unqualified, nor do I see any check on the exercise of it, other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress know the extent of the public engagements, and the sums

necessary to meet them ; they know how much may be derived from each branch of revenue, without pressing it too far ; and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to, in the first instance. From the commencement of the government, two branches of this power, duties and imposts, have been in constant operation, the revenue from which has supported the government in its various branches, and met its other ordinary engagements. In great emergencies, the other two, taxes and excises, have likewise been resorted to, and neither was the right nor the policy ever called in question.

“If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to “pay the debts and provide for the common defence and general welfare,” could not have been used. So intimately connected with, and dependent on, each other, are these two branches of power, that, had either been limited, the limitation would have had the like effect on the other. Had the power to raise money been conditional, or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to

raise more than would be adequate to those purposes. It may fairly be inferred that these restraints or checks have been carefully and intentionally avoided. The power, in each branch, is alike broad and unqualified, and each is drawn with peculiar fitness to the other ; the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident ? Is it not more just to conclude that they were the result of due deliberation and design ? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is, therefore, an additional proof that it was not intended that the grant should be so construed.

“It was evidently impossible to have subjected this grant, in either branch, to such restriction, without exposing the government to very serious embarrassment. How carry it into effect ? If the grant had been made in any degree dependent upon the states, the government would have experienced the fate of the confederation. Like it, it would have withered and soon perished. Had the supreme court been authorized, or should any other tribunal, distinct from the government, be authorized, to interpose its veto, and to say that more money had been raised under either



branch of this power, that is, by taxes, duties, imposts, or excises, than was necessary; that such a tax or duty was useless; that the appropriation to this or that purpose was unconstitutional; the movement might have been suspended, and the whole system disorganized. It was impossible to have created a power within the government, or any other power distinct from Congress and the executive, which should control the movement of the government in this respect, and not destroy it. Had it been declared, by a clause in the constitution, that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the government, and often on its most important measures. Those who might wish to defeat a measure proposed, might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times, those who favored a measure, might give to the power relied on a forced or strained construction, and succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that, if the right of appropriation be confined to that limit, measures may oftentimes be carried, or defeated, by considerations and motives altogether independent of, and unconnected with, their merits and the several powers of Congress, receive constructions equally inconsistent

with their true import. No such declaration, however, has been made, and from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

“Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words, “to provide for the common defence and general welfare,” have a definite, safe, and useful meaning. The idea of their forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered, simply, as conveying a right of appropriation ; a right indispensable to that of raising a revenue, and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the states, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will, in most instances, be diminished, and, in many, utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected, that, to whatever extent any specific power may be carried, the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant, is a strong argument in favor of the construction contended for. All the other grants are

limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas this is coextensive with the great scheme of the government itself. It is the lever which raises and puts the whole machinery in motion, and continues the movement. Should either of the other grants fail, in consequence of any condition or limitation attached to it, or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself. This, by the nature of the government only. Hence it became necessary that, like the power to declare war, this power should be commensurate with the great scheme of the government, and with all its purposes.

“If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants, according to a strict construction of their powers respectively, is there no limitation to it? Have Congress a right to raise and appropriate the public money to any and to every purpose, according to their will and pleasure? They certainly have not. The government of the United States is a limited government, instituted for great national purposes, and for those only. Other interests

are committed to the states, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted, and confine itself to those purposes. A state government will rarely, if ever, apply money to national purposes, without making it a charge to the nation. The people of the state would not permit it. Nor will Congress be apt to apply money in aid of the state administrations, for purposes strictly local, in which the nation at large has no interest, although the states should desire it. The people of the other states would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss, at the next election, such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them, and move on in great harmony.

“Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly

directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements, having these objects in view, and carried to a certain extent, I do not see any well-founded constitutional objection.

“In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns, no state interests can be affected, no state rights violated. The complete and exclusive control over them is vested in Congress. The power to form treaties of alliance and commerce with foreign powers; to regulate by law our commerce with them; to determine on peace or war; to raise armies and a navy; to call forth the militia and direct their operations; belongs to the general government. These great powers, embracing the whole scope of our foreign relations, being granted, on what principle can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind, which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering them. By exciting grateful feelings, they soften the intercourse between nations, and tend to

prevent war. Surely, if the United States have a right to make war, they have a right to prevent it. How was it possible to grant to Congress a power for such minor purposes, other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

“The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it, in the case of internal improvements, would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the state authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished, must be done by the state. To these purposes the powers of the general government are believed to be utterly incompetent.

“To the objection that the United States have no power, in any instance, which is not complete to all the purposes to which it may be made instrumental, and, in consequence, that they have no right to appropriate any portion of the public money to internal improvements, because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add, that, if this objection was well founded, it would not be confined to the

simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power, it becomes necessary to establish custom-houses in every state along the coast, and in many parts of the interior. The vast amount of goods imported, and the duties to be performed to accommodate the merchants and secure the revenue, make it necessary that spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the general government. Have Congress the right to seize the property of individuals, if they should refuse to sell it, in quarters best adapted to the purpose, to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses, where such as were suitable could be obtained, or, where they could not, purchased the ground of individuals, erected the buildings, and held them under the laws of the state. Under the power to establish postoffices and post-roads, houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased, and held under the laws of the state, in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the supreme court, and such have been

established in every state of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court was in session. A still stronger case may be urged. Should Congress be compelled, by invasion or other cause, to remove the government to some town within one of the states, would they have a right of jurisdiction over such town, or hold even the house in which they held their session, under other authority than the laws of such state? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the state, surely they have an equal right to do it for the purposes of internal improvements.

“It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it, to the purposes of its institution. It would be strange if the government of the United States, which was instituted for such important purposes, and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is, the violation of state rights; shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the general government, in its intercourse with other nations, and in our internal concerns, should be able to adopt all such measures, lying within the fair scope, and



intended to facilitate the direct objects of its powers, as the public welfare may require, and a sound and provident policy dictate.

"The measures of Congress have been in strict accord with the view taken of the right of appropriation, both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal : The first, from Cumberland, at the head waters of the Potomac, in the state of Maryland, through Pennsylvania and Virginia, to the state of Ohio, March 29, 1806. See vol. 4th, page 13, of the late edition of the laws. The second, from the frontiers of Georgia, on the route from Athens to New Orleans, to its intersection with the 31st degree of north latitude : April 31st, 1806, page 58. The third, from Mississippi, at a point and by a route described, to the Ohio : same act. The fourth, from Nashville, in Tennessee, to Natchez : same act. The fifth, from the 31st degree of north latitude, on the route from Athens to New Orleans, under such regulations as might be agreed on between the executive and the Spanish government : March 3d, 1807, page 117. The sixth, from the foot of the rapids of the river Miami, of Lake Erie, to the western line of the Connecticut reserve : December 12th, 1811, page 364. The seventh, from the Lower Sandusky to the boundary line established by the treaty of Greenville : same act. The eighth, from a point where the United States road, leading from Vincennes

to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the state of Ohio : January 8th, 1812, page 367. The ninth, for repairing, and keeping in repair, the road between Columbia, on Duck river, in Tennessee, and Madisonville, in Louisiana ; and also the road between Fort Hawkins, in Georgia, and Fort Stoddard : April 27th, 1816, page 104 of the acts of that year. The tenth, from the Shawneetown, on the Ohio river, to the Sabine, and to Kaskaskias, in Illinois : April 27th, 1816, page 112. The eleventh, from Reynoldsburg, on Tennessee river, in the state of Tennessee, through the Chickasaw nation, to intersect the Natchez road near the Chickasaw old town : March 3d, 1817, page 252. The twelfth : by this act, authority was given to the president to appoint three commissioners for the purpose of examining the country, and laying out a road from the termination of the Cumberland road, at Wheeling, on the Ohio, through the states of Ohio, Indiana, and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois river, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act, that nothing was thereby intended to imply an obligation, on the part of the United States, to make, or defray the expense of making the said road, or any part thereof.

“In the late war, two other roads were made by the troops, for military purposes ; one from the Upi r

Sandusky, in the state of Ohio, through the Black Swamp, toward Detroit, and another from Plattsburg, on Lake Champlain, through the Chatougee woods, toward Sackett's harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads, was advanced, in the first instance, from the appropriation to the quartermaster's department, and afterward provided for by a specific appropriation by Congress. The necessity of keeping those roads open and in good repair, being, on the frontier, to facilitate a communication between our posts, is apparent.

"All of these roads, except the first, were formed merely by cutting down the trees, and throwing logs across so as to make causeways over such parts as were otherwise impassable. The execution was of the coarsest kind. The Cumberland road is the only regular work which has been undertaken by the general government, or which could give rise to any question between the two governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting, from the seat of government, the eastern with the western waters, and more intimately the Atlantic with the western states, in the formation of which 1,800,000 dollars have been expended. The measures pursued in this case require to be particularly noticed, as fixing the opinion of the parties, and particularly of Congress, on the important question of the right. Passing through Maryland,

Pennsylvania, and Virginia, it was thought necessary and proper to bring the subject before their respective legislatures, to obtain their sanction, which was granted by each state, by a legislative act, approving the route and providing for the purchase and condemnation of the land. This road was founded on an article of compact between the United States and the state of Ohio, under which that state came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within that state. In this instance, which is by far the strongest, in respect to the expense, extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the states, by taking the land from the proprietors by force ; by passing acts for the protection of the road ; or to raise a revenue from it by the establishment of turnpikes and tolls ; or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle ; on the voluntary and unqualified admission that the sovereignty belonged to the state, and not to the United States ; and that they could perform no act which should tend to weaken the power of the state, or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road, and to cause it to be constructed ; for I presume that no distinction can be taken between the appropriation of

money raised by the sale of the public lands, and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power to appropriate derives any sanction from a provision to that effect having been made by an article of compact between the United States and the people of the then territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

“By an act, of April 30, 1802, entitled, “An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes,” after describing the limits of the proposed new state, and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States, if accepted by it: first, that section number sixteen of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the six miles reservation, including the salt springs commonly called the Sciota springs; the salt springs near the Muskingum river, and in the military tract, with the sections which include the same, should be granted to the said state, for the use of the people thereof, under such regulations as the legislature of the state should

prescribe : provided, that it should never sell or lease the same for more than ten years. Third, that one twentieth part of the proceeds of the public lands lying within the said state, which might be sold by Congress, from and after the 30th June ensuing, should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic to the Ohio, and through the state of Ohio ; such roads to be laid out under the authority of Congress, with the consent of the several states through which they should pass.

“These three propositions were made on the condition that the convention of the state should provide, by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by Congress, after the 30th of June ensuing, should remain, for the term of five years after sale, exempt from every species of tax whatsoever.

“It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30th, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new states would be settled by the inhabitants of the original states and their offspring, no narrow or contracted jealousy was entertained of their admission into the Union, in equal participation in the national sovereignty with the original states. It was foreseen at the early period at which that ordinance passed, that the expansion of our Union to the lakes

and to the Mississippi and all its waters, would not only make us a greater power, but cement the Union itself. These three propositions were well calculated to promote these great results. A grant of land to each township, for free schools, and of the salt springs to the state, which were within its limits, for the use of its citizens, with five per cent. of the money to be raised from the sale of lands within the state, for the construction of roads between the original states and the new state, and of other roads within the state, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations the sole return required of the convention was, that the new state should not tax the public lands which might be sold by the United States within it, for the term of five years after they should be sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new state would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it can not be doubted, had this exemption been suggested, unaccompanied by any propositions of particular advantage, that the convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it, and without regarding it as an onerous condition.

“Since, then, it appears that the whole of the

money to be employed in making this road, was to be raised from the sale of the public lands, and which would still belong to the United States; although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same grounds as if such compact had not been made, and, in consequence, that the example in favor of the right of appropriation is in no manner affected by it.

“The same rule of construction of the right of appropriation has been observed, and the same liberal policy pursued, toward the other new states, with certain modifications adapted to the situation of each, which were adopted with the state of Ohio. As, however, the reasoning which is applicable to the compact with Ohio, in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new states, I deem it unnecessary to take a particular notice of them.

“It is proper to observe that the money which was employed in the construction of all the other roads, was taken directly from the treasury. This fact affords an additional proof, that, in the contemplation of Congress, no difference existed in the application of money to those roads, between that which was raised by the sale of lands, and that which was derived from taxes, duties, imposts, and excises.

“So far, I have confined my remarks to the acts of Congress respecting the right of appropriation to such



measures only as operate internally and affect the territory of the individual states. In adverting to those which operate externally and relate to foreign powers, I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress ; the first in 1794, to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island ; the second in 1812, to the people of Caraccas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed and need not be repeated.

“In this examination of the right of appropriation, I thought it proper to present to view, also, the practice of the government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the constitution. And where the right to raise it is granted, without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate, and not finding it there, we must then look to the general powers of the government, as designated by the specific grants, and to the purposes contemplated by them, allowing to this the right to raise money, the first and most important of the enumerated powers, a

scope which will be competent to those purposes. The practice of the government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation, and produces a manifest and positive good. A practical construction, thus supported, shows that it has reason on its side, and is called for by the interests of the Union. Hence, too, the presumption that it will be persevered in. It will, surely, be better to admit that the construction given by these examples has been just and proper, than to deny that construction and still to practise on it—to say one thing and to do another.

“Wherein consists the danger of giving a liberal construction to the right of Congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the states from encroachment, and greater harmony in the political movement between the two governments, while it enlarges, to a certain extent, in the most harmless way, the useful agency of the general government for all the purposes of its institution. Is not the responsibility of the representative to his constituent, in every branch of the general government, equally strong, and as sensibly felt, as in the state governments? and is not the security against abuse as effectual in the one as in the other government? The history of the general government, in all its measures, fully demonstrates

that Congress will never venture to impose unnecessary burdens on the people, or any that can be avoided. Duties and imposts have always been light, not greater, perhaps, than would have been imposed for the encouragement of our manufactures, had there been no occasion for the revenue arising from them ; and taxes and excises, have never been laid, except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process, and the sale of some hundreds of millions of acres of good land, the government will be possessed of money, which may be applied with great advantage to national purposes. Within the states only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country in the instances of the inhabitants of St. Domingo and Caraccas, will often occur. How, then, shall this revenue be applied ? Should it be idle in the treasury ? That our resources will be equal to such useful purposes, I have no doubt, especially if, by completing our fortifications, and raising and maintaining our navy at the point provided for, immediately after the war, we sustain our present altitude, and preserve, by means thereof, for any length of time, the peace of the Union.

“When we hear charges raised against other governments of breaches of their constitutions, or rather of their charters, we always anticipate the most serious consequences : communities deprived of privileges which they have long enjoyed, or individuals

oppressed and punished, in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can anything mark more strongly the great characteristics of that difference, than the grounds on which like charges are raised against this government. It is not alleged that any portion of the community, or any individual, has been oppressed, or that money has been raised under a doubtful title. The principal charges are, that a work of great utility to the Union, and affecting, immediately, and with like advantage, many of the states, has been constructed; that pensions to the surviving patriots of our revolution, to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression, but almost without being felt, and under an acknowledged constitutional power.

“From this view of the right to appropriate, and of the practice under it, I think that I am authorized to conclude, that the right to make internal improvements has not been granted by the power “to pay the debts, and provide for the common defence and general welfare,” included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts, and excises, conveyed by the first branch of that power; that the government itself being limited, both branches of the power to raise and

appropriate the public moneys are also limited; the extent of the government, as designated by the specific grants, marking the extent of the power in both branches, extending, however, to every object embraced by the fair scope of those grants, and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money, than to extend, by a forced construction, the grant itself. That, although the right to appropriate the public money to such improvements affords a resource indispensably necessary to such a scheme, it is, nevertheless, deficient as a power in the great characteristics on which its execution depends.

"The substance of what has been urged on this subject may be expressed in a few words. My idea is, that Congress have an unlimited power to raise money, and that in its appropriation, they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence, and of general, not local, national, not state, benefit.

"I will now proceed to the fifth source from which the power is said to be derived, viz. The power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof. This is the 17th and last of the enumerated powers granted to Congress.

"I have always considered this power as having

been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the general government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the general government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably, that this power would have existed, substantially, if this grant had not been made ; for why is any power granted, unless it be to be executed when required, and how can it be executed under our government, unless it be by laws necessary and proper for the purpose, that is, well adapted to the end ? It is a principle universally admitted, that a grant of a power conveys, as a necessary consequence or incident to it, the means of carrying it into effect, by a fair construction of its import. In the formation, however, of a constitution which was to act directly upon the people, and be paramount, to the extent of its powers, to the constitutions of the states, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed, under all governments with which we have any acquaintance ; and it was reasonable to presume that, under our system, where there was a division of the sovereignty between two

independent governments, the measures of the general government would excite equal jealousy, and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy, by the framers of our government, of securing, by a fundamental declaration in the constitution, a principle which, in all other governments, had been left to implication only. The terms necessary and proper secure to the powers of all the grants, to which the authority given in this is applicable, a fair and sound construction, which is equally binding, as a rule, on both governments, and on all their departments.

“In examining the right of the general government to adopt and execute, under this grant, a system of internal improvement, the sole question to be decided is, whether the power has been granted under any of the other grants. If it has, this power is applicable to it, to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants (one only excepted, which will next claim attention), and shown, as I presume, on the most liberal construction of their powers, that the right has not been granted by any of them. Hence it follows, that, in regard to them, it has not been granted by this.

“I come now to the last source from which this power is said to be derived, viz., the power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the constitution.

“To form a just opinion of the nature and extent of this power, it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared, that new states shall be admitted into the Union, but that no new state shall be formed, or erected, within the jurisdiction of any other state : nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the United States.

“If we recur to the condition of our country, at the commencement of the revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies, limits by latitude and other descriptions were assigned to each. In commencing the revolution, the colonies, as has already been observed, claimed by those limits, although their population extended, in many instances, to a small portion of the territory lying within them. It was contended by some of the states, after the declaration of independence, that the vacant lands, lying within any of the states, should become the property of the Union, as, by a common exertion, they would be acquired. This claim was resisted by the others, on the principle that all the states entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success. Happily, this controversy was settled, as all inter-



fering claims and pretensions, between the members of our Union, and between the general government, and any of these members, have been, in the most amicable manner, and to the satisfaction of all parties. On the recommendation of Congress, the individual states, having such territory within their chartered limits, ceded large portions thereof to the United States, on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States; and that the districts be admitted into the Union, when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory, and this the property, referred to in the second clause of the 4th article of the constitution.

"All the states which had made cessions of vacant territory, except Georgia, had made them before the adoption of the constitution, and that state had made a proposition to Congress to that effect, which was under consideration at the time the constitution was adopted. The cession was completed after the adoption of the constitution. It was made on the same principle, and on similar conditions, with those which had been already made by the other states. As differences might arise respecting the right or the policy in Congress to admit new states into the Union, under the new government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought pro-

per to make special provisions for these objects, which was accordingly done by the above recited clause in the constitution.

“Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the territory became a state, the jurisdiction over it, as it had before existed, ceased. It extended afterward only to the unsold lands, and as soon as the whole were sold, it ceased in that sense, also, altogether. From that moment, the United States have no jurisdiction or power in the new states, other than in the old, nor can it be obtained except by an amendment of the constitution.

“Since then it is manifest that the power granted to Congress to dispose of, and make all needful regulations respecting, the territory and other property of the United States, relates solely to the territory and property which had been ceded by individual states, and which, after such cession, lay without their respective limits, and for which special provision was deemed necessary, the main powers of the constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new states and to dispose of the property and regulate the territory, is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce,

and the like. They are objects in their nature special, and for which special provision was more suitable and proper.

“Having now examined all the powers of Congress, under which the right to adopt and execute a system of internal improvement is claimed, and the reasons in support of it, in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears, and is admitted, that much may be done in aid of such a system, by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest, that, as a system for the United States, it can never be carried into effect, under that grant, nor under all of them united, the great and essential power being deficient; consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation if necessary, and to construct the works; to pass laws, with suitable penalties for their protection; and to raise a revenue from them; to keep them in repair, and make further improvement, by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

“It need scarcely be remarked, that this power will operate, like many others now existing, without affecting the sovereignty of the states, except in the particular offices to be performed. The jurisdiction of

the several states may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in Congress. The right being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of Congress to protect the works, by laws, imposing penalties, would operate on the same principle as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary, and even absurd.

“In the preceding inquiry, little has been said of the advantages which would attend the exercise of such a power by the general government. I have made the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow-citizens to that effect. Still it may not be improper for me to state the grounds upon which my own impression is founded. If it sheds no additional light on this interesting part of the subject, it will, at least, show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

“The advantages of such a system must depend upon the interests to be affected by it, and the extent to which they may be affected, and those must depend on the capacity of our country for improvement, and the means at its command applicable to that object.

“I think that I may venture to affirm that there is

no part of our globe, comprehending so many degrees of latitude on the main ocean, and so many degrees of longitude into the interior, that admits of such great improvement, and at so little expense. The Atlantic, on the one side, and the lakes, forming almost inland seas, on the other ; separated by high mountains which rise in the valley of the St. Lawrence, and terminate in that of the Mississippi, traversing from north to south, almost the whole interior ; with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline ; the details are to be seen on the valuable maps of our country.

“It appears, by the light already before the public, that it is practicable and easy to connect, by canals, the whole coast, from its southern to its northern extremity, in one continued inland navigation ; and to connect, in like manner, in many parts, the western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the western country, by improving the navigation of many of the rivers, which have their sources near to each other in the mountains, on each side, and by good roads across the mountains, between the highest navigable points of those rivers. In addition to the example of the Cumberland road, already noticed, another of this kind is now in train, from the head waters of the river James to those of the *Kanawha* ; and in like manner may the Savannah be con-

nected with the Tennessee. In some instances it is understood that the eastern and western waters may be connected together directly, by canals. One great work of this kind is now in its progress, and far advanced in the state of New York, and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with Lake Champlain, and in the other, some of the most important of the western rivers with those emptying into the gulf of Mexico; the advantage of which will be seen at the first glance, by an enlightened observer.

“Great improvements may also be made by good roads, in proper directions, through the interior of the country. As these roads would be laid out on principle, on a full view of the country, its mountains, rivers, &c., it would be useless, if I had the knowledge, to go into detail respecting them.—Much has been done by some of the states, but yet much remains to be done with a view to the Union.

“Under the colonial governments, improvements of this kind were not thought of. There was, it is believed, not one canal, and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were attended to, were those which led from the interior of each colony to its principal towns on the navigable waters. By those routes the produce of the country was carried

to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from north to south at the commencement of the revolution; and that a very imperfect one. The existence and principle of our union point out the necessity of a very different policy.

“The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market, would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many, and by no means the most important. Every power of the general government and of the state governments, connected with the strength and resources of the country, would be made more efficient for the purposes intended by them. In war, they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind, to every part of our extensive coast and interior, on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war, must know the good effect which would result in the event of another war, from the command of an interior navigation alone, along the coast, for all the purposes of war, as well as of commerce, between the different parts of our Union. The impediments to all

military operations, which proceeded from the want of such a navigation, and the reliance which was placed, notwithstanding those impediments, on such a commerce, can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the postoffice department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow-citizens, on every portion of our soil, be better rewarded.

“It is natural in so great a variety of climate, that there should be a corresponding difference in the produce of the soil ; that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner ; that labor should be cheaper, and manufactures succeed better, in one part than in another. That where the climate was most severe and the soil less productive, navigation, the fisheries, and commerce, should be most relied on. Hence the motive for an exchange for mutual accommodation, and active intercourse between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable because free from duty.

“There is another view in which these improvements are still of more vital importance. The effect which they would have on the bond of union itself, affords



an inducement for them, more powerful than any which have been urged, or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our Union is not held together by standing armies, or by any ties, other than the positive interests and powerful attractions of its parts toward each other. Ambitious men may hereafter grow up among us, who may promise to themselves advancement from a change, and by practising upon the sectional interests, feelings, and prejudices, endeavor, under various pretexts, to promote it. The history of the world is replete with examples of this kind; of military commanders and demagogues becoming usurpers and tyrants, and of their fellow-citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is, and who the people are, who are thus held together; but still it is proper to look at, and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision, than would be made by the proposed improvements. With their aid, and the intercourse which would grow out of them, the parts would soon become so compacted and bound together that nothing could break it.

The expansion of our Union over a vast territory can not operate unfavorably to the states individually. On the contrary, it is believed that the greater the expansion, within practicable limits, and it is not easy to say what are not so, the greater the advantage which

the states individually will derive from it. With governments separate, vigorous, and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown, that, in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone, that is, from their distance from each other. In every other way, the expansion of our system must operate favorably for every state, in proportion as it operates favorably for the Union. It is in that sense only that it can become a question with the states, or rather with the people who compose them. As states they can be affected by it only by their relation to each other through the general government, and by its effects on the operations of that government. Manifest it is, that to any extent to which the general government can sustain and execute its functions with complete effect, will the states, that is, the people who compose them, be benefited. It is only when the expansion shall be carried beyond the faculties of the general government, so as to enfeeble its operations, to the injury of the whole, that any of the parts can be injured. The tendency, in that stage, will be to dismemberment, and not to consolidation. This danger should, therefore, be looked at with profound attention, as one of a very serious character. I will remark here, that, as the operations of the national government are of a general nature, the states having complete power for internal and local purposes, the

expansion may be carried to very great extent, and with perfect safety. It must be obvious to all, that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both governments, and the more perfect their security ; and in all other respects, the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

“To what extent it may be proper to expand our system of government, is a question which does not press for a decision at this time. At the end of the revolutionary war, in 1783, we had, as we contended and believed, a right to the free navigation of the Mississippi, but it was not until after the expiration of twelve years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred, in the bustling of a contentious world, when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the province of Louisiana, with the free navigation of the river, from its source to the ocean, and a liberal boundary on the western side. To this, Florida has since been added, so that we now possess all the territory in which the original states had any interest, or in which the existing states can be said, either in a national or local point of view, to be in any

way interested. A range of states on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further, will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of states beyond the Mississippi, or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so, on the present scale. The further we go, the greater will be the necessity for them.

"It can not be doubted, that improvements for great national purposes would be better made by the national government, than by the governments of the several states. Our experience, prior to the adoption of the constitution, demonstrated, that in the exercise by the individual states of most of the powers granted to the United States, a contracted rivalry of interests, and misapplied jealousy of each other, had an important influence on all their measures, to the great injury of the whole. This was particularly exemplified by the regulations which they severally made, of their commerce with foreign nations, and with each other. It was this utter incapacity in the state governments, proceeding from these and other causes, to act as a nation, and to perform all the duties which the nation owed to itself, under any system which left the general government dependent on the states, which produced the transfer of these powers to the United States, by the establishment of the present constitu-

tion.—The reasoning which was applicable to the grant of any of the powers now vested in Congress, is likewise so, at least to a certain extent, to that in question. It is natural that the states, individually, in making improvements, should look to their particular and local interests. The members composing their respective legislatures represent the people of each state, only, and might not feel themselves at liberty to look to objects, in these respects, beyond that limit. If the resources of the Union were to be brought into operation under the direction of the state assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain and barter, much to the disadvantage of the system, as well as discredit to both governments. But Congress would look to the whole, and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment, that while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual states, who may also add such others as their own particular interests may require.

“The situation of the Cumberland road requires the particular and early attention of Congress. Being formed over very lofty mountains, and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have de-

cayed, and will decay rapidly, unless timely and effectual measures are adopted to prevent it.

"The declivities from the mountains, and all the heights, must suffer from the frequent and heavy falls of water, and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls, and other works, committed by worthless people, either from a desire to render the road impassable, or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show, that an active and strict police ought to be established over the whole road, with power to make repairs when necessary; to establish turnpikes and tolls, as the means of raising money to make them; and to prosecute and punish those who commit waste and other injuries.

"Should the United States be willing to abandon this road to the states through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the western states, and in a line with the seat of the national government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each state, and in a route not essentially connected with the commerce of either.

"If it is thought proper to vest this power in the United States, the only mode in which it can be done is, by an amendment of the constitution. The states, individually, can not transfer the power to the United States, nor can the United States receive it. The constitution forms an equal and the sole relation between the general government and the several states ; and it recognises no change in it, which shall not, in like manner apply to all. If it is once admitted, that the general government may form compacts with individual states, not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead ? Such compacts are utterly repugnant to the principles of the constitution, and of the most dangerous tendency. The states, through which this road passes, have given their sanction only to the route, and to the acquisition of the soil by the United States—a right very different from that of jurisdiction, which can not be granted without an amendment to the constitution, and which need not be granted for the purposes of this system, except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject, I am of opinion that such an amendment ought to be recommended to the several states for their adoption.

"I have now essentially executed that part of the task which I imposed on myself, of examining the right of Congress to adopt and execute a system of internal improvement, and I presume have shown that it does not exist. It is, I think, equally manifest, that such a

power vested in Congress, and wisely executed, would have the happiest effect, on all the great interests of our Union. It is, however, my opinion that the power should be confined to great national works only, since, if it were unlimited, it would be liable to abuse, and might be productive of evil. For all minor improvements, the resources of the states individually, would be fully adequate, and by the states such improvements might be made with greater advantage than by the Union; as they would understand better such as their more immediate and local interests required."

Congress finally closed its session on the 8th day of May, and re-assembled again on the 2nd day of December following. Samuel D. Ingham appeared at this session from Pennsylvania, having been elected to fill a vacancy. The president, in his annual message, stated that the receipts from customs during the year 1822, would probably amount to twenty-three millions of dollars. In regard to the Cumberland Road, he repeated the general principles set forth in his exposition of the 4th of May previous, drawing a distinction, however, as he had formerly done, between the right to make appropriations, and the right of exercising jurisdiction and sovereignty on the line of the route. With respect to the manufacturing interest, he again recommended it to the fostering care of Congress, but enjoined upon them the necessity of proceeding with the greatest caution in making changes in existing enactments.

Few acts of general interest were passed at this



session. An additional naval force was authorized to be employed for the suppression of piracy. A bill to increase the duty on woolen goods was introduced, and discussed for some time, but it failed to receive a favorable vote. Various propositions for the survey of canal routes, across Cape Cod, from the Raritan to the Delaware, from the Delaware to Chesapeake Bay, from the Chesapeake to Albemarle Sound, and from Lake Erie to the Ohio river, were brought forward; but none of them received the sanction of Congress. As the president had intimated, in his message, his willingness to sign a bill providing for the repair of the Cumberland road, without assuming the questioned right of sovereignty, an appropriation was made for that purpose.

In 1822, a treaty of navigation and commerce with France, negotiations for which had long been pending, was at length concluded. It was submitted to the Senate, and duly ratified, at this session, which came to a close on the 3d day of March, 1823.

The question of the succession to the presidential office affected the elections for the eighteenth Congress to a certain extent. All the candidates were still in the field, with the exception of Mr. Lowndes, who died in 1822. Mr. Calhoun, too, was subsequently withdrawn, and by nearly general consent adopted as the candidate for the vice-presidency of all the factions, except the friends of Mr. Crawford. Still, it was anticipated that, on account of the number of candidates, the election would ultimately devolve on

the House of Representatives ; and the friends of each contestant labored to secure as many members as possible.

Congress assembled for its regular session on the 1st day of December, 1823, and did not adjourn until the 26th of May, 1824. Mr. Clay being again returned from Kentucky, he was elected Speaker of the House, over Mr. P. P. Barbour, the presiding officer of that body in the previous Congress, by a large majority. Messrs. R. King, Van Buren, Dickerson, Southard, Lowrie, S. Smith, J. Barbour, Macon, W. R. King, Brown, and Benton, still retained their seats in the Senate. Among the new senators who were conspicuous, were John Branch, of North Carolina ; Robert Y. Hayne, of South Carolina ; and Andrew Jackson, of Tennessee. Messrs. J. W. Taylor, P. P. Barbour, Mallary, Cambreling, Ingham, McLane, Floyd, Mercer, Randolph, Saunders, McDuffie, and Poinsett, were all re-elected. Samuel A. Foot was once more returned from Connecticut ; and Daniel Webster, who had been a prominent federal member from New Hampshire during the war, now appeared from the state of Massachusetts. John Forsyth, of Georgia, William C. Rives, of Virginia, and Edward Livingston, of Louisiana, all leading republicans, were elected from their respective states.

Mr. Southard resigned his seat in the Senate on the 9th of December, in consequence of his receiving the appointment of Secretary of the Navy, in the place of Smith Thompson, appointed one of the associate

Justices of the Supreme Court of the United States. On the same day John McLean, of Ohio, was appointed postmaster general, in the place of Mr. Meigs, who had resigned the office.

From the annual message of President Monroe, it appeared that measures had been taken to determine by amicable negotiation, the respective rights and interests of the United States on the one part, and the governments of Russia and Great Britain on the other, upon the northwest coast of the American continent. In referring to this subject, the president made use of the following language, which, by the successive reiterations of subsequent chief magistrates, has come to be regarded as embodying the settled policy of this government :—

“In the discussions,” said he, “to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.”

The public finances were represented by the Executive to be in a highly favorable condition ; it being estimated that there would remain a surplus of nearly nine millions of dollars in the treasury, on the 1st day of January, 1824. He likewise recommended the construction of a canal, to connect the waters of the

Chesapeake with those of the Ohio, as a great national work ; provided, however, that the jurisdiction should remain with the states through which the canal would pass. With regard to the amendment of the tariff, he repeated the recommendations of former messages, and suggested that additional protection should be afforded to those articles we were prepared to manufacture, or which were immediately connected with the defence and independence of the country.

In accordance with the recommendations of the president, a tariff act was passed at this session, though not without strenuous opposition, raising the duties on imported goods. In the senate the majority in favor of the bill was four, and in the House only five. A general law was also enacted, appropriating the sum of thirty thousand dollars, for the survey of routes for such roads and canals as the president might deem of national importance. As this bill did not come in conflict with the constitutional scruples of the Executive, concerning an interference with state jurisdiction, it received his approbation and signature.

But the question of the succession to the presidency absorbed almost every topic, and engrossed nearly the whole attention of the members of Congress at this session. It was ascertained, shortly after they first came together, that a decided plurality of the whole number were in favor of the nomination of Mr. Crawford, the then Secretary of the Treasury, who had been almost successful in defeating Mr. Monroe in the caucus held in 1816. After various projects had been

alternately adopted and rejected, it was finally tacitly understood between the friends of the other candidates, that they would not go into a caucus. The friends of Mr. Crawford, however, headed by Mr. Van Buren, Mr. Forsyth, and Mr. Dickerson, caused a call to be issued, according to the former usage of the republican party; but the caucus, which proved to be the last of a similar character, was attended by only sixty-six members, embracing, however, nearly all the leading politicians of the old republican party. On the ballot which was had, Mr. Crawford received sixty-four votes, and was declared nominated. Mr. Gallatin was put in nomination for the vice-presidency, but subsequently declined. The other candidates were supported by their respective friends in the different sections of the Union, without the intervention of any caucus or convention.

Neither party succeeded in obtaining a majority of the electoral votes,—General Jackson receiving ninety-nine, Mr. Adams eighty-four, Mr. Crawford forty-one, and Mr. Clay thirty-seven. It was therefore left for the eighteenth Congress, which assembled for the short session on the 6th of December, 1824, to make the selection from the three highest on the list. The influence of Mr. Clay being now thrown in favor of Mr. Adams, he was duly elected. Mr. Calhoun received one hundred and eighty-two electoral votes, which secured his election as vice-president.

The president gave a flattering review of the for-

oreign relations and the domestic interests of the country, in his last annual message. He stated that the public debt had been reduced to eighty-six millions of dollars, and that the current revenue was amply sufficient to meet all the liabilities of the government, including the sum of ten millions appropriated to the sinking fund. He also adverted to the fortifications which had been constructed, and the military and naval armaments which had been provided for the defence of the country, and concluded with an earnest expression of his grateful thanks for the kindness and favor of his countrymen, manifested, on repeated occasions, during his long career in public life.

Very little business of especial importance was transacted at this session. Mr. King offered a resolution in the Senate, proposing that, after the payment of the national debt, the proceeds of the public lands should be applied to the emancipation of slaves, and the removal of free persons of color to some territory without the United States. A majority of the senators, however, could not be induced to sanction Mr. King's proposition, and it was consequently defeated.

On the 3d day of March, the term of service of the members of the eighteenth Congress expired. The administration of Mr. Monroe also came to an end ; and on the following day he surrendered up the executive power, which he had wielded so long and so worthily, into the hands of his successor. In yielding up his trust, he could look back upon the past without

regret, and in the future hopefully count on the enduring gratitude of his countrymen.

It has been erroneously said of Mr. Monroe's administration, that during its continuance the lines of party were entirely obliterated. This is certainly erroneous. From the beginning to the end, he was a republican of the old Jeffersonian school; and it is very evident that he never approved of a protective tariff, for the sake of protection merely, but primarily for the sake of revenue, the former being only the incidental object—and, furthermore, it is equally plain that he never waived his opposition to the exercise of jurisdiction or sovereignty in the states, without their consent, in order to carry on a system of internal improvement, in the absence of an amendment to the federal constitution expressly conferring the power. To the last moment of his administration, he remained the uncompromising opponent of the federalism of 1798 and 1812, and in his appointments, neither approved, nor encouraged, nor favored it.

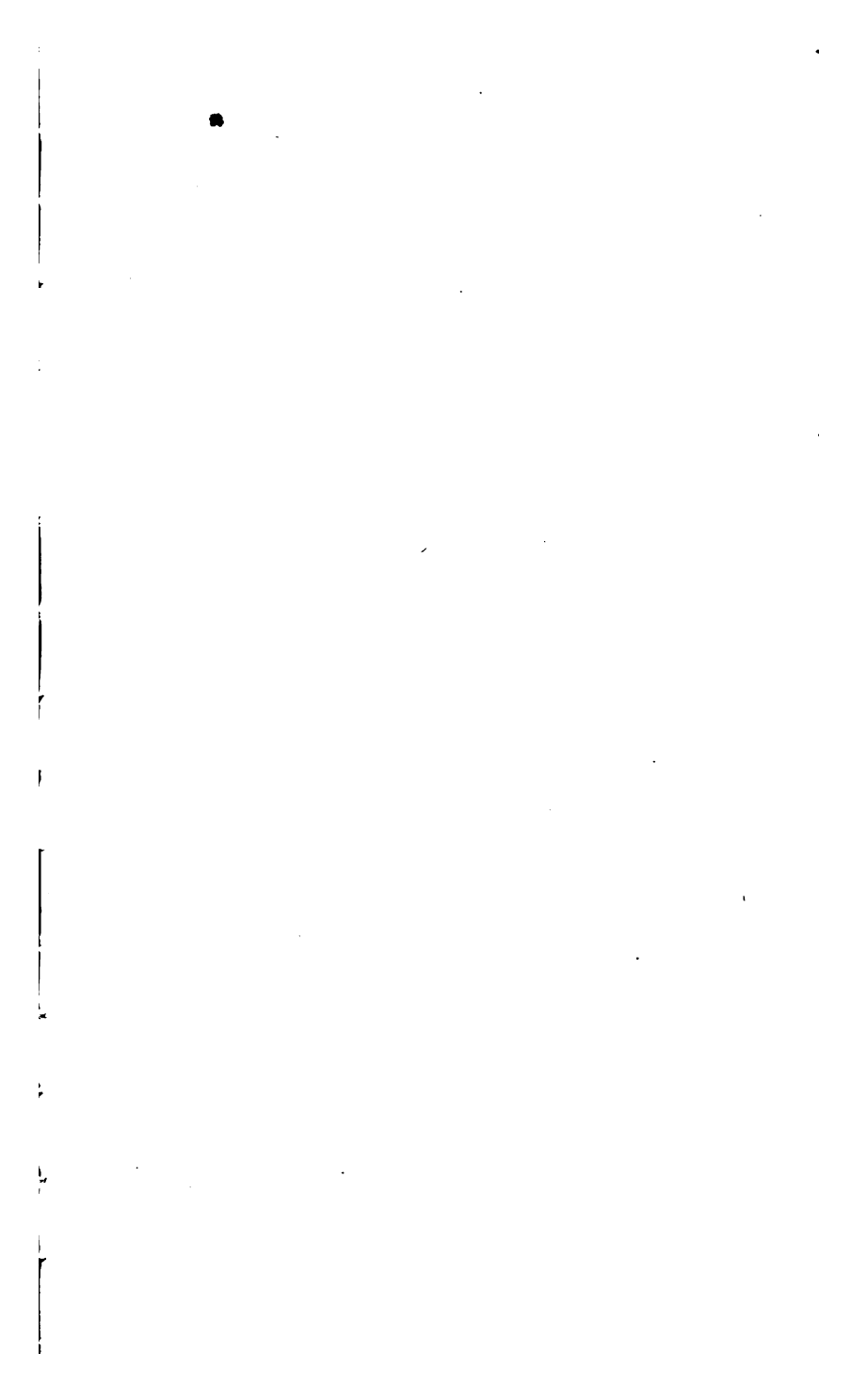
His administration was, indeed, "the era of good feeling." The rank and file of the old federal opposition changed their ground, but the leaders remained true to their instincts. The fires of party, therefore, only slumbered for the time, to burst forth again with increased fury.

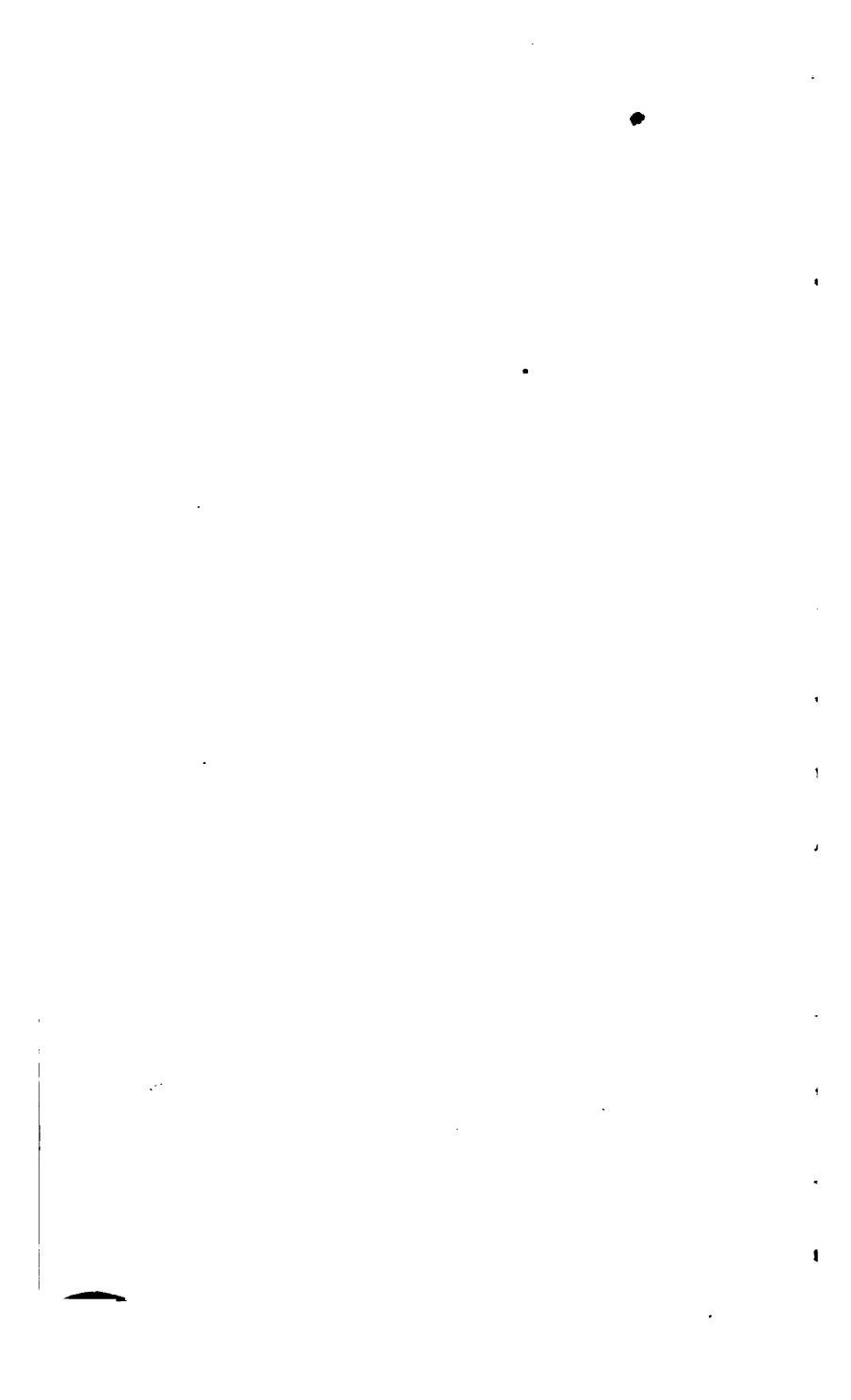
By his mild and conciliatory policy, peace was maintained with other governments, and by his benign and moderate counsels, tranquillity was secured at

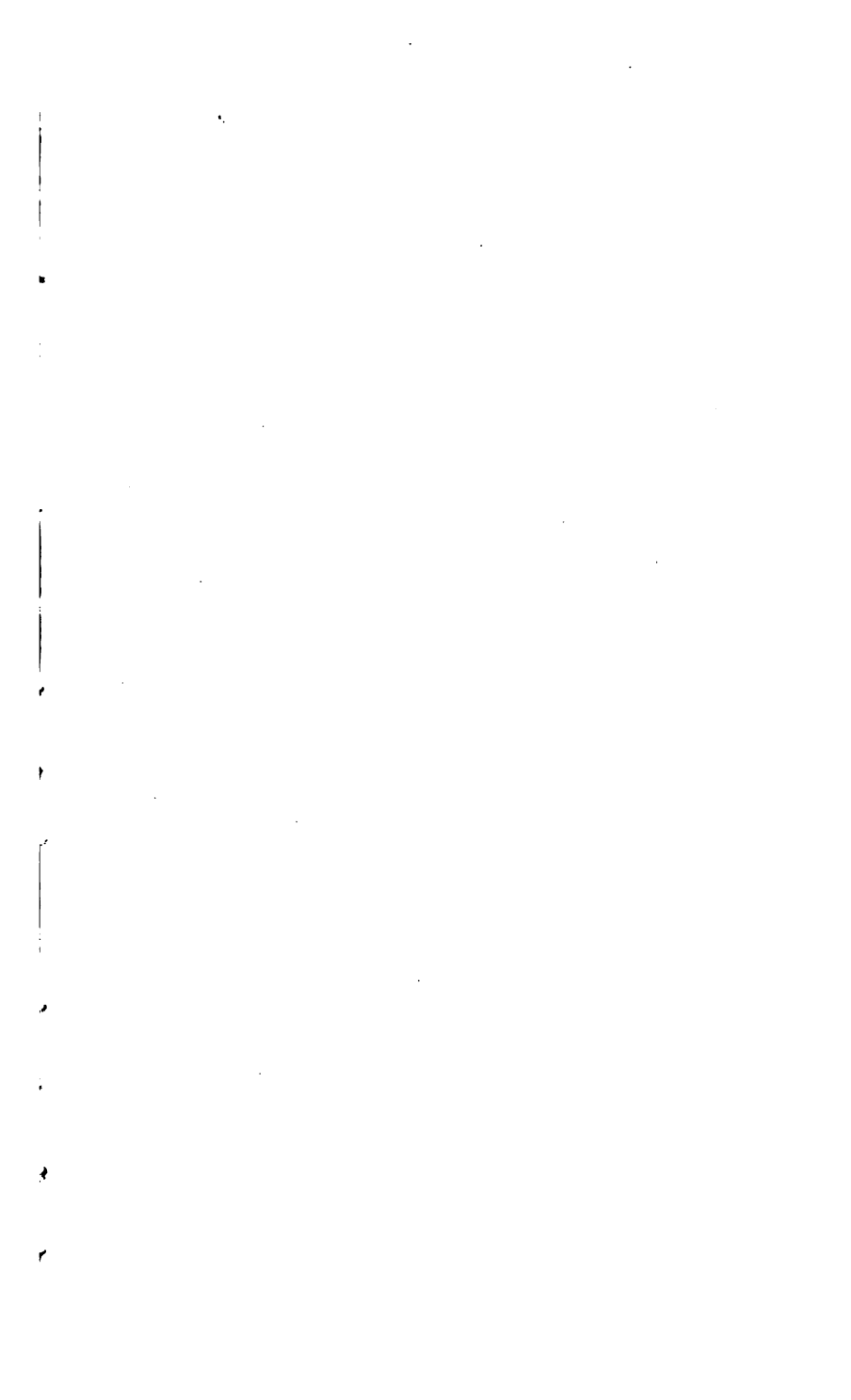
home. A large and valuable acquisition of territory was made ; the foundations for national prosperity and greatness were laid ; and when he retired to private life, the American Union was advancing, with the vigor and stride of a giant, on its path to true glory and fame.

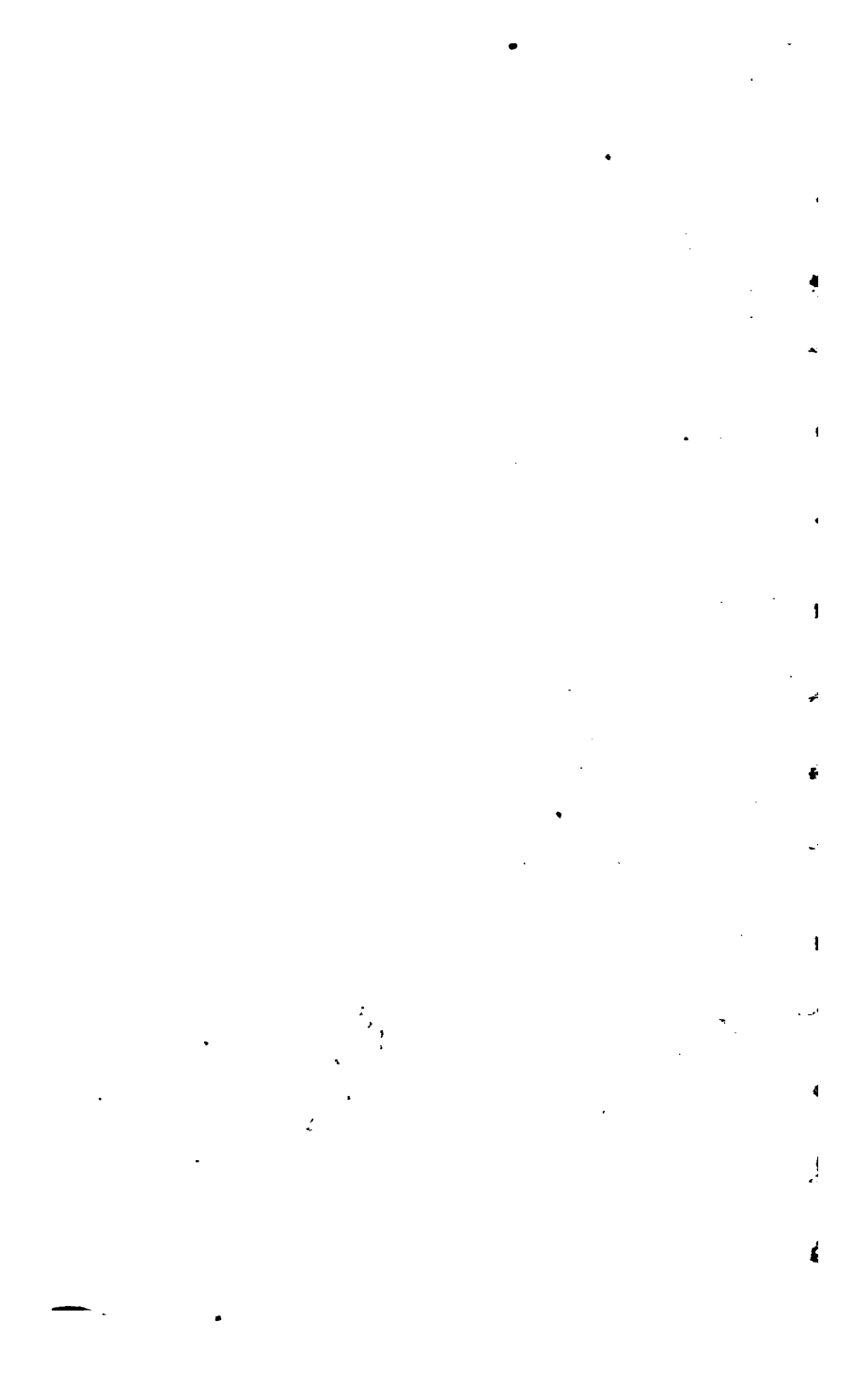
THE END.

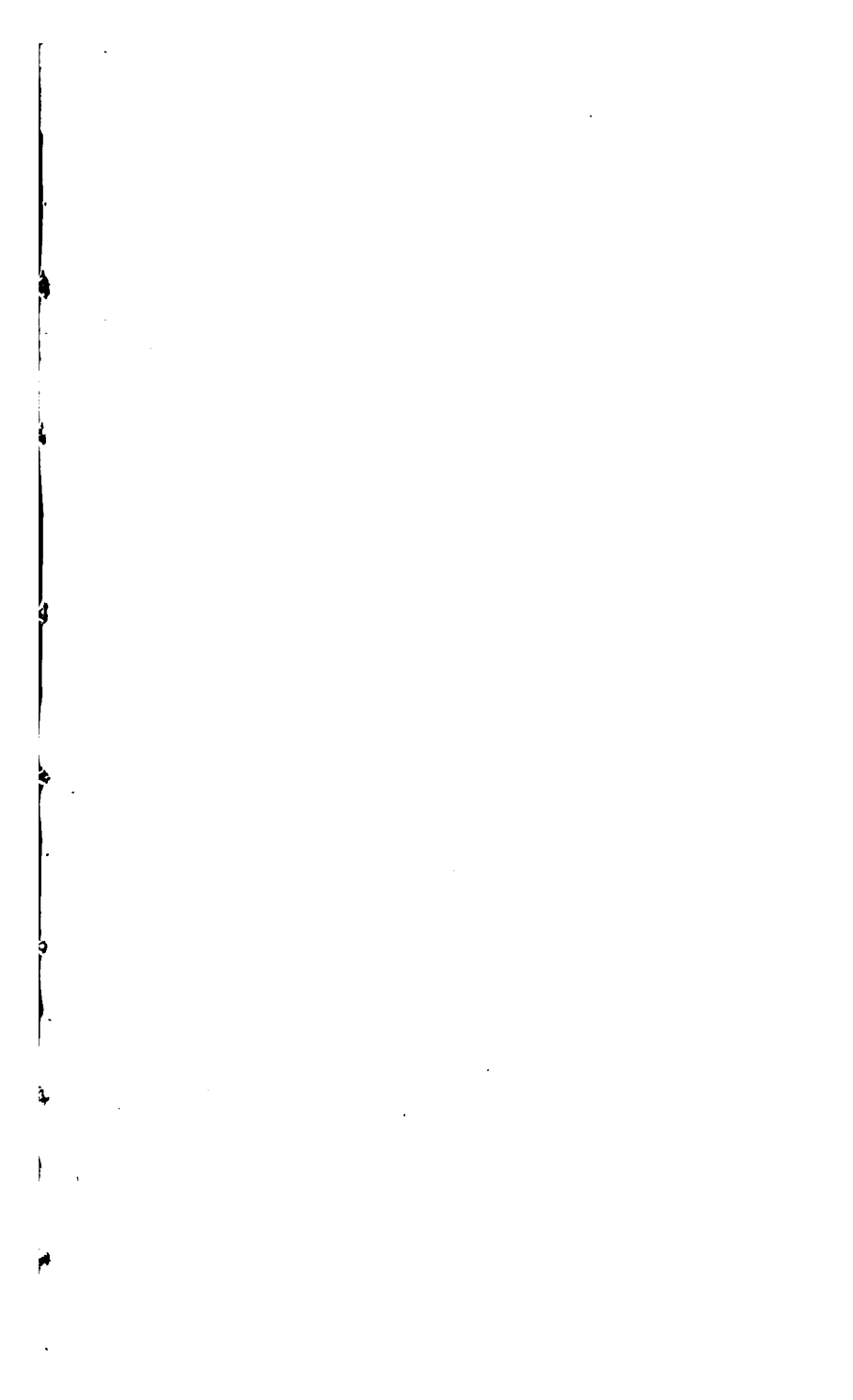


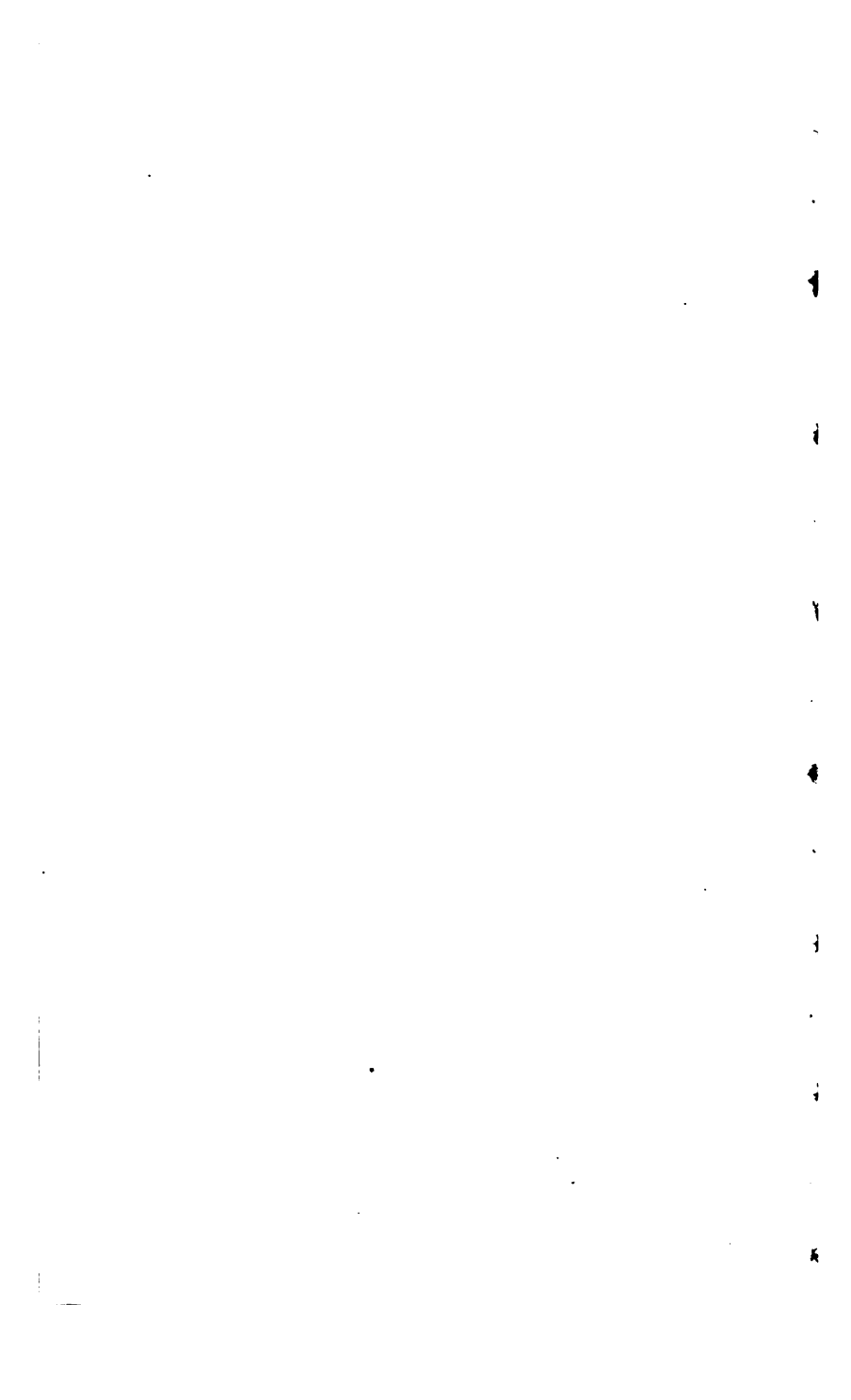


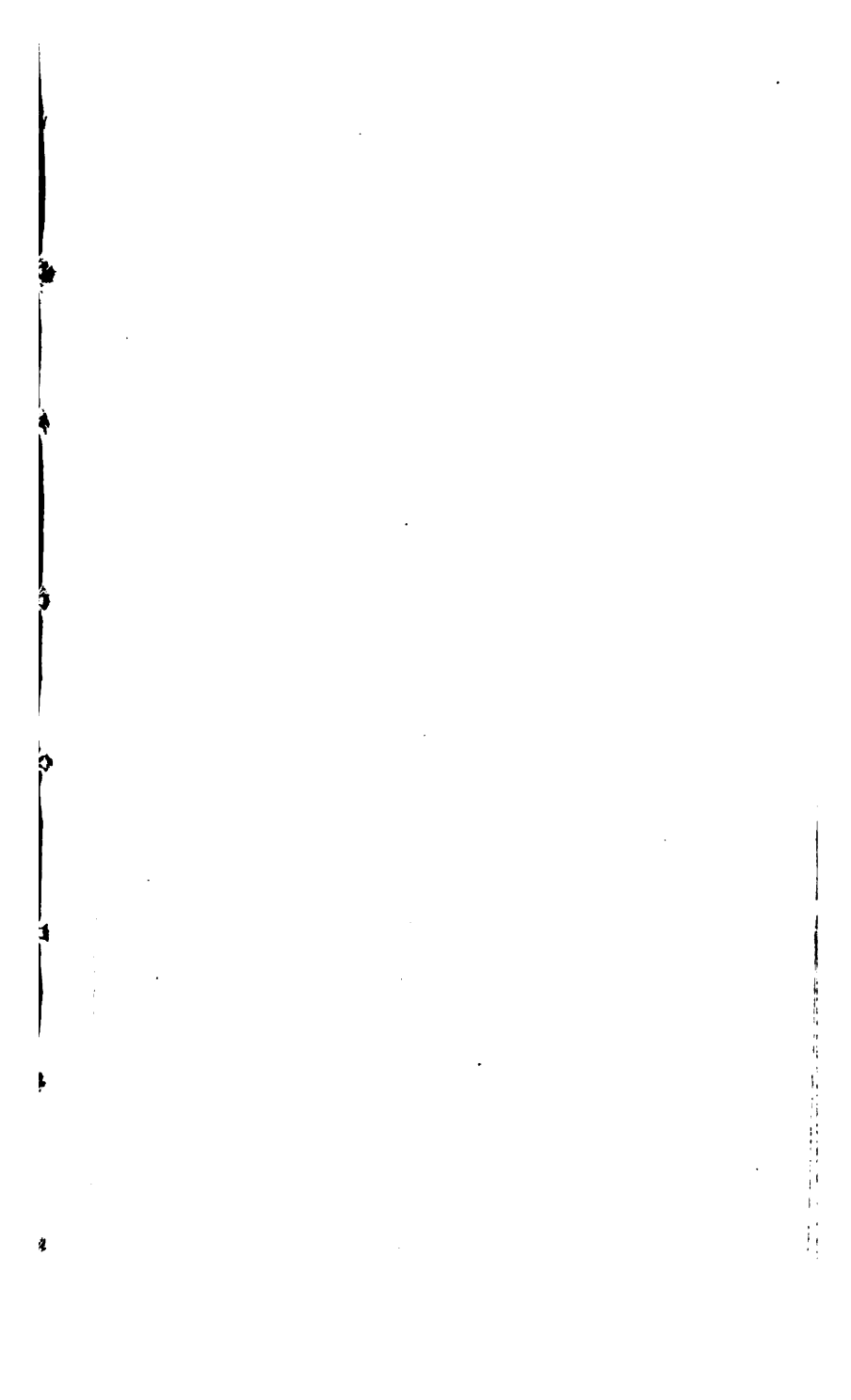












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